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JOURNAL

OF THE

INDIANA STATE SENATE,

DURING THE

FORTY-NINTH SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 7TH, 1875.

VOLUME I.

REGULAR SESSION.


FOR INDEX SEE VOLUME II.

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JOURNAL

OF THE

SENATE OF INDIANA.

THURSDAY MORNING,

JANUARY 7, A. D., 1875.

The Forty-Ninth Regular Session of the General Assembly of the State of Indiana, begun and held at the Capitol in the City of Indianapolis on Thursday, January 7th, 1875.

The Hon. Leonidas Sexton, Lieutenant Governor took the chair, at ten o'clock, and ordered the roll of the Senators holding over to be called, when the following Senators responded :

Messrs. Beardsley, Boone, Bowman, Bunyan, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Harney, Haworth, Hough, Howard, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Thompson, and Winterbotham.

The President then ordered a call of the Senatorial Districts entitled to representation, and wherein Senators had been elected, when the following gentlemen responded :

From the county of Allen—R. C. Bell.

From the counties of Boone and Bartholomew—J. B. Grove.

From the counties of Cass and Carroll—D. D. Dykeman.

From the counties of Madison and Delaware—R. H. Cree.

From the counties of Franklin and Dearborn—Noah S. Givan.

From the counties of Floyd and Clarke—F. C. Johnson.

From the counties of Posey and Gibson—Jasper Davidson.

From the counties of Warrick and Pike—James B. Hendricks.

From the counties of Spencer and Perry—R. Tobin.

From the counties of Sullivan and Knox—Henry K. Wilson.

From the counties of Daviess and Green—A. Humphreys.

From the counties of Martin, Orange and Dubois—H. A. Peed.

From the counties of Crawford and Harrison—S. M. Stockslager.

From the county of Jefferson—John L. Roe.

From the counties of Switzerland, Ohio and Ripley—W. Culbertson.

From the counties of Parke and Vermillion—James T. Johnston.

From the county of Tippecanoe—John M. LaRue.

From the counties of Benton, Jasper, Newton and White—George Major.

From the counties of Lake and Porter—Deforest L. Skinner.

From the counties of St. Joseph and Starke—Joseph Henderson.

From the counties of Huntington and Wabash—Elijah Hackleman.

From the counties of Grant, Blackford and Jay—J. Underwood

From the counties of Miami and Howard—Daniel Bearss.

From the counties of Hamilton and Tipton—Peter Cardwell.

From the county of Wayne—William Baxter.

From the counties of Marion and Morgan—J. J. Maxwell.

Upon their appearance, the oath of office was administered by the Hon. H. C. Newcomb, Judge of the Superior Court of Marion county.

The President announced that the next thing in order would be the election of a Principal Secretary of the Senate.

When Mr. Hough put in nomination John Overmeyer of the county of Jennings.

Mr. Smith put in nomination George W. Denbo of the county Harrison.

The Secretary proceeded to call the roll.

Those who voted for John Overmeyer were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood. 27

Those who voted for Mr. Denbo were

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham. 28

Mr. Overmeyer having received a majority of all the votes cast was declared duly elected principal Secretary of the Senate, came forward, took the oath of office, and entered upon the discharge of his duties.

The President announced that nominations for assistant Secretary were next in order.

Mr. Major put in nomination William H. Smith of Cass county.

Mr. Boone put in nomination Olney Newell of Boone county.

The Secretary proceeded to call the roll.

Those who voted for Mr. William H. Smith were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin, and Underwood—27.

Those who voted for Mr. Newell, were

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman,

Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

Mr. Smith having received a majority of all the votes cast, was declared duly elected, came forward, took the oath of office, and entered upon the discharge of his duties.

The President announced that nominations for Doorkeeper were in order.

Mr. Cree put in nomination E. H. Meniffee of Madison county.

Mr. Peed put in nomination McCormack of Martin county.

The Secretary proceeded to call the roll.

Those who voted for E. H. Meniffee were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Those who voted for Mr. McCormack were,

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphreys, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

Mr. Meniffee having received a majority of all the votes cast was declared duly elected.

H. G. Finch of Hamilton county was appointed Assistant Doorkeeper.

Mr. Sleeth offered the following resolution :

Resolved, That the Senate adopt the rules of the regular session

of 1873, for its government, until such time as permanent rules shall be adopted by the Senate.

Which was adopted.

Mr. Friedley named that a committee of two be appointed to notify the House of the organization of this body.

Which was agreed to.

The President appointed Friedley and Smith said committee.

Mr. LaRue offered the following resolution :

Resolved, That the Secretary be instructed to furnish one copy of the Statutes of Indiana, one copy of the Acts of 1869, 1871 and 1873, and each of the members of the Senate one copy of the Journal of both Houses.

Mr. Smith moved to lay the resolution on the table.

Which was agreed to.

Mr. Daggy offered the following resolution :

Resolved, That the Librarian furnish three copies of the Revised Statutes, (Gavin & Hord,) three copies of the Acts of 1869, 1871 and 1873; also, Senate and House Journals for the use of the Senate.

Mr. Smith moved to lay the resolution on the table.

Which was agreed to.

Mr. Dykeman offered the following resolution :

Resolved, That the State Librarian furnish to each of the Senators one copy of the acts of the Regular Session of 1873 and Special Session of 1872; also, the Brevier Legislative Reports and Senate Journal of last session.

The question being on the adoption of the resolution,

Mr. Daggy moved to lay the resolution on the table.

Messrs. Slater and Peed demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Hackleman, Harney, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Slater, Sleeth, Smith, Stockslager, Tobin, Underwood, Wilson and Winterbotham—42.

Those who voted in the negative were

Messrs. Bell, Culbertson, Dykeman, Grove, Haworth, LaRue Skinner and Thompson—8.

So the resolution was laid on the table.

The following persons were appointed pages by the Lieutenant Governor:

Messrs. Charles Lumbert, Augustus L. Mason and Eddie B. Brown.

Mr. Rhodes offered the following resolution:

Resolved, That the Librarian of the State be, and she is hereby authorized to furnish to each Senator, on his request, one complete set of the Statutes, the State and Acts of 1871, and 1873, and charge the cost thereon to such Senator.

Mr. Smith moved to lay the resolution on the table.

Which was agreed to.

On motion of Mr. Sleeth, the Senate adjourned until two o'clock P. M.

AFTERNOON SESSION.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT :

I am directed by the house of Representatives to inform the Senate that the House has organized by the election of David Turpie, Speaker ; Samuel W. Holmes, Principal Clerk ; Thomas C. Mays, Assistant Clerk ; Moses Lowman, Doorkeeper ; and are now ready to proceed with Legislative business.

Mr. Friedley of Lawrence, offered the following :

Resolved, That a committee of two on the part of the Senate, be appointed to join a like committee on the part of the House, to wait on his Excellency, the Governor, to inform him of the organization of the two Houses, and learn of him at what time it will suit his Excellency to make whatever communication he may desire to the Legislature.

Which resolution was adopted.

Whereupon the Lieutenant Governor appointed the following committee :

Messrs. Friedley of Lawrence, and Bell.

Mr. Humphries introduced

Senate Bill No. 1. A bill to reduce the pay of members to five dollars per day. Which was read a first time.

Mr. Smith introduced

Senate Bill No. 2. An act to regulate and license the sale of spiritous, vinous, malt and other intoxicating liquors ; to repeal all former laws contravening the provisions of this act and prescribing penalties for the violation thereof.

Which was read a first time.

Mr. Dykeman introduced

Senate Bill No. 3. A bill fixing the compensation of the members and employes of the General Assembly.

Which was read a first time.

Messrs. Marvin appeared and notified the Senate that they were appointed as a Committee from the House to wait upon his Excellency the Governor, with a like Committee from the Senate.

Mr. Daggy moved that the Committee from the Senate be instructed to join the Committee from the House and wait upon the Governor.

Which was agreed to.

Mr. LaRue introduced

Senate Bill No. 4. A bill to repeal an act entitled, "An act to require railroad companies to issue stock paid for by taxes voted in aid of their railroad, to the tax-payers or their assignor, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency," approved December 17th, 1872.

Which was read a first time.

Mr. Beardsley introduced

Senate Bill No. 5. A bill to amend section 13 of an act entitled "An act providing for the election of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time.

Mr. Roe introduced

Senate Bill No. 6. A bill defining the salary of the Governor and the manner of paying it.

Which was read a first time.

Mr. Givan introduced

Senate Bill No. 7. A bill to amend sections 102, 107, 271, 277, and 278 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon, and to provide for the election of Township Assessors and to prescribe their duties.

Which was read a first time.

Mr. Roe introduced

Senate Bill No. 8. A bill fixing the per diem and mileage of members of the General Assembly, and providing that they shall furnish their own stationery.

Which was read a first time.

Mr. Bell introduced

Senate Bill No. 9. A bill to authorize the organization of Board of Trade and other commercial associations, and defining their powers.

Which was read a first time.

Mr. Gooding offered the following :

Resolved, That a committee of three be appointed to report rules for the government of the Senate.

Which resolution was adopted.

Whereupon the President announced the following as such committee :

Messrs. Gooding, Scott and Givan.

Mr. Bell introduced

Senate Bill No. 10. A bill to regulate public warehouses and warehousing and inspecting and mixing grain, providing for the appointment of inspectors of grain, making warehouse receipts

assignable, prescribing the duties of warehousemen and inspectors of grain, and providing penalties.

Which was read a first time.

Mr. Sleeth offered the following resolution :

Resolved, That a committee of five be appointed by the Senate for the purpose of procuring the necessary number of rooms to accommodate the committees of the Senate during the present session and to provide necessary furniture for the same. *Provided*, That in the selection of rooms, the strictest economy consistent with the health and reasonable comfort of the members of the various committees shall be pursued ; and *provided further*, that in case any furniture now owned by the State, and not in use, reasonably suitable for furnishing such rooms, the same shall be subject to the order of said committee for the use of committee rooms during the present session.

Which was adopted.

The President appointed the following committee :

Messrs. Sleeth, Thompson, LaRue, Harney, Winterbotham.

Mr. Friedley of Lawrence, made the following report :

MR. PRESIDENT :

Your Committee appointed to join a like committee on the part of the House of Representatives and notify his Excellency the Governor of the organization of the two Houses of the Legislature, and learn from him the time that he might fix to deliver to the Legislature such communications as he might desire to make, respectfully report that they have discharged that duty, and that his Excellency has named to-morrow, at ten o'clock a. m., as the hour for the delivery of his Message.

All of which is respectfully submitted.

Which was concurred in.

Mr. Beardsley introduced

Senate Bill No. 11. A bill declaring it to be unlawful to deprive certain employes of any railroad company of the benefit of the exemption laws of this State by attachment and garnashee proceedings being instituted without this State, and providing that wages so collected from a railroad company, due to certain employes, may be recovered back with damages.

Which was read a first time.

Mr. Skinner offered the following resolution :

Resolved, That a committee of five be appointed by the Senate, whose duty shall be to recommend a bill for the pay of perquisites of members; perquisites to mean only such stationery and books as may contribute to the information of members.

Which was adopted.

Whereupon the President announced the following committee :

Messrs. Skinner, Haworth, Boone, Johnson of Floyd and Rhodes.

Mr. Hough introduced

Senate Bill No. 12. A bill fixing the *per diem* of members of the General Assembly and officers thereof.

Which was read a first time.

Mr. Dykeman moved that the constitutional rule be suspended, requiring bills to be read on three several days, that the bill be read a second time now.

The ayes and noes being taken under the rule.

Those who voted in the affirmati were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Henderson, Hendricks, Hough, Humphries, Johnston of Parke, Major, Maxwell, Neff, Peed, Rhodes, Ringo, Roe,

Sarnighausen, Scott, Skinner, Slates, Sleeth, Stockslager, Tobin, Underwood, Wilson, and Winterbotham—41.

Those who voted in the negative were,

Messrs. Bunyan, Harney, Howard, Johnson of Floyd, LaRue, Oliver, Smith and Thompson—8.

So the constitution was suspended, and Senate Bill No. 12 was read a second time.

Mr. Friedley of Lawrence, offered the following amendment :

Amend Section 1 as follows, to wit :

And provided further, That all persons who are now members of the Legislature who may have received any sum in excess of such sum of three dollars shall have such excess deducted out of their pay as members of the present Legislature.

Mr. Hough moved to lay the amendment on the table.

Messrs. Givan and Slater demanded the ayes and noes.

Those who voted in the affirmative were

Messrs. Baxter, Cree, Dykeman, Grove, Hackleman, Hough, Howard, Oliver, Sleeth, Smith and Thompson—11.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Gooding, Harney, Haworth, Henderson, Hendricks, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Stockslager, Tobin, Underwood, Wilson and Winterbotham—38.

So the motion was not agreed to.

Mr. Sleeth moved that the amendment be indefinitely postponed.

Messrs. Sleeth and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bunyan, Cardwell, Cree, Daggy, Gooding, Grove, Hackleman, Hough, Howard, Sleeth, Smith and Tobin—14.

Those who voted in the negative were,

Messrs. Bell, Boone, Bowman, Chapman, Culbertson, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Harney, Haworth, Henderson, Hendricks, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Stockslager, Thompson, Underwood, Wilson and Winterbotham—35.

So the motion was not agreed to.

Mr. LaRue moved that the bill and amendment be indefinitely postponed.

Messrs. Slater and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Cree, Daggy, Dykeman, Grove, LaRue, Maxwell, Ringo, Roe, Sarnighausen, Smith and Tobin—14.

Those who voted in the negative were,

Messrs. Baxter, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Major, Neff, Oliver, Peed, Rhodes, Scott, Skinner, Slater, Sleeth, Stockslager, Thompson, Underwood, Wilson and Winterbotham—36.

So the motion was not agreed to.

Mr. Dykeman offered the following amendment:

No member of the General Assembly shall receive any railroad pass during the term for which he was elected, and in case any member has accepted such pass he shall cover into the State Treasury the value in greenbacks or gold of such pass.

Mr. Bunyan moved that the bill and amendments be committed to the select committee heretofore appointed on that subject.

Which was agreed to.

On motion of Mr Gooding, the Senate adjourned until to-morrow morning at ten o'clock.

LEONIDAS SEXTON,

President.

FRIDAY MORNING.

JANUARY 8, 1875.

Senate met at 10 o'clock.

Pending the reading of the journal of yesterday, on motion of Mr. Friedley of Scott, the further reading thereof was dispensed with.

The following message was received from the House.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following resolution:

Resolved, That the Senate be invited to meet the House of Representatives in joint convention this morning at 10 o'clock for the purpose of hearing the Message of the Governor, and that the Clerk inform the Senate thereof.

WHEREAS, It has been usual to have the session of the General Assembly opened by prayer in the convention of the two Houses for hearing the Governor's Message; therefore,

Resolved by the House of Representatives, the Senate concurring, That a committee of three be appointed by the House to act with a

like committee on the part of the Senate, to wait upon some clergyman of the city and request him to perform that service, and that the Senate be invited to attend in the Hall of the House of Representatives at 10 o'clock, a. m., to hear the Message of his Excellency, the Governor.

Which on motion of Mr. Daggy was concurred in.

Whereupon, the President appointed Messrs. Boone and Oliver said committee.

Mr. Johnston of Parke, offered the following resolution :

Resolved, That the Committee on Fees and Salaries, when appointed, be and are hereby instructed to report a bill to the Senate regulating and fixing the salary of Governor, Judges of the Supreme Court, Judges of the different Circuit, Criminal and Superior Courts of the State, together with the fees and salaries of all State, county and township officers, including per diem and mileage of members of the General Assembly.

Resolved, That all resolutions, motions and bills pertaining to the subject matter expressed in the foregoing resolution be referred to said committee.

Which was adopted.

Mr. Boone offered the following resolution :

Resolved, That it is the judgment of this Senate that all the legislative and other public expenses of the State should be reduced to the lowest amount which is necessary to insure an efficient performance of the public service ; that the reckless expenditure of money for extravagant and unnecessary legislative supplies, as well as the wasteful use thereof, are utterly condemned, and the practice of appointing, retaining and paying incompetent or supernumerary employes by officers or committee, whatever be the motive, is a violation of public duty not to be tolerated even under appointed sanction of law or precedent, and, therefore, the proper committees of the Senate are respectfully and urgently requested carefully to investigate all claims, and to incorporate into the specific appropriation bills only such allowances as are just and reasonable and for which the State has received value.

Which was adopted.

Message from the house:

The House, by Messrs. Davis, Woody and Gilbert, members thereof, announced that the House was ready to receive the Senate in joint convention, in the hall of the House, to receive a Message from the Governor.

The Senate, preceded by the President, proceeded to the hall of the House of Representatives.

JOINT CONVENTION.

The President of the Senate took the chair, and called the Joint Convention to order.

The Throne of Divine Grace was addressed by Rev. J. M. Black.

Representative Davis, of Floyd, moved that a committee of two be appointed to wait upon the Governor, and inform him that the Joint Convention of the Senate and House of Representatives was organized, and ready to receive any message he might wish to make to it.

Which was agreed to.

The President of the Senate designated Senator Gooding, of Vanderburg, and Representative Davis, of Floyd, as that committee.

Representative Davis of Floyd, introduced the Governor, who then delivered the following message to the two Houses of the General Assembly, in Joint Convention :

GOVERNOR'S MESSAGE.

Gentlemen of the Senate and House of Representatives :

During the two years since the last meeting of the Legislature, the people of Indiana have been blessed in a special degree with general health and bountiful harvests and I again invoke the continuance of a kind Providence over them.

REVENUES AND APPROPRIATIONS.

The assessed value of the taxable property of the State in 1874, was \$954,857,475, which was an increase of more than three hundred million dollars since 1872. That increase in the assessment was attributable in part to the increase of values in the State; but it was largely caused by the operation of the revenue act passed at the special session of the last Legislature. That act required that taxable property should be assessed at its value "estimated at the fair price it would bring at a fair, voluntary sale." Prior laws had required assessments to be made upon cash values, but long administrative construction and usage had allowed a much lower valuation. By the exercise of a diligent supervision the Auditor of State was able to advance the valuations in the spirit as well as in accordance with the letter of the law. The appraisement at the fair value fixes a plain rule, which is easily understood and which excludes all discretion, defeats favoritism and partiality, and promotes equality and justice towards all. The law also constituted the Governor, Lieutenant Governor, Secretary of State, Auditor of State and Treasurer of State a Board of Equalization, with power to assess the property and stock of corporations, including railroad companies. With care and great labor the Board sought to make the valuations so that the assessments should be just to the people and fair towards the railroads. The action of the Board increased the assessment of railroad property in the State from about \$11,000,000 in 1872 to nearly \$40,000,000 in 1874.

There are two hundred and sixty-five thousand persons in the State who are subject to a personal or poll tax of fifty cents each. The assessments of property, amounting to nearly \$955,000,000, and the personal or poll tax, constitute our important sources of revenue. In estimating what may be realized at any proposed rate of levy, experience has shown that a deduction must be made of twenty per cent. for delinquencies. When you shall have decided, what appropriations of the public moneys you will make for each of the next two years it will be of easy calculation what tax levy must be made to supply the State Treasury. A low levy must be preceded by economy in the appropriations. This I urge respectfully, but very earnestly.

The appropriations must be sufficient to enable each department of the State Government to exercise its functions without hindrance

or delay. Thus far there is no question or discretion. So, also, the common schools, the benevolent institutions and the public safety must be sufficiently provided for. But the expenditures for these purposes should be made with rigid economy and with a view to substantial and permanent benefits. Will you allow me to suggest that it would be appreciated by the people should your reforms commence with a reduction in Legislative expenditures. It would be an assurance to them which would promote public confidence and give to your proceedings an additional moral weight. At the session of 1871, the miscellaneous expenditures exceeded the pay of the members; and at the last special and regular sessions that class of expenditures was still greater, being about \$960 per day, though it did not exceed the pay of the members, which had been increased for the regular session. I suggest the propriety of a revision of the act of December 23, 1872, which prescribes the number and classification of your employes, with a view to a further reduction.

RECEIPTS AND EXPENDITURES.

There was in the Treasury March 1, 1873,.....	\$169,633 90
From that day until the close of the year ending	
October 31, 1873, there was received for State	
purposes from all sources	\$438,191 14
During the year ending October 31, 1874, there was	
received for State purposes.....	893,091 97

During the last session of the Legislature it became apparent that the revenue would be inadequate to meet the ordinary expenses of the State. Provision had also to be made for the one hundred and ninety-one old bonds, as required by the act of December 12, 1872. In that condition of the Finances the act of March 10, 1873, was passed authorizing the Governor, Auditor and Treasurer of State to make temporary loans to meet the appropriations. Pursuant to that act temporary loans were made as follows :

At 8 per cent. due March 12, 1875.....	\$200,000 00
At 7 per cent. due April 15, 1876.....	510,000 00
At 8 per cent. due December 1, 1876	200,000 00
Total revenue for State purposes received during the	
two years ending October 31, 1874, including the	
temporary loans and the amount in the Treasury	
March 1, 1873.....	2,410,917 01

During the same period there was received on account of the Benevolent Institutions, \$68,584.69. This sum was realized from the labor of the inmates and from individuals and counties pursuant to law.

At the close of the year ending October 31, 1874,
there was in the Treasury..... \$244,203 78

The payments from the Treasury during the two years ending October 31, 1874, for revenue refunded, for ordinary expenditures, and for the Benevolent Institution amounted to \$1,544,316.43.

By the act of December 12, 1872, the Governor, Attorney General, Secretary of State and Treasurer of State were authorized to "take up and redeem" one hundred and ninety-one old bonds issued by authority of the State prior to the year 1841, which had not been surrendered under the adjustment made by the State with her creditors. Pursuant to that act ninety-seven of the bonds, with their coupons, have been surrendered and paid, amounting to \$495,487.30. Ninety-four are yet outstanding, a part not having become due, and the residue not having been presented for payment.

For a more particular description of the bonds and coupons which have been paid, I refer you to the detailed lists thereof, which accompany the reports of the Auditor of State for the years 1873 and 1874.

For a statement of the receipts and expenditures on account of the college, saline, bank tax, surplus revenue, and miscellaneous funds, I refer you to the same reports.

STATE DEBT.

The State is indebted as follows :

Five per cent. certificate, State stock.....	\$26,469 99
Two and one half per cent. certificates, State stock...	3,285 13
War loan bonds, six per cent., due 1881.....	139,000 00
Temporary loan made under act of March 10, 1873, which I have before mentioned more in detail...	910,000 00
Ninety-four old bonds required to be paid by the act of December 12, 1872.....	94,000 00
	<hr/>
	\$1,172,755 12

The accumulated interest upon the ninety-four old bonds should be added, but I have no means of ascertaining the amount, but the same will not be large.

The indebtedness of the State to the school fund is evidenced by five non-negotiable bonds, at six per cent., and amounts to \$3,904,783.22.

That is known as the domestic debt.

COMMON SCHOOLS.

The permanent school fund of the State is guarded by the provision of the constitution, which declares that it shall be perpetual—that it may be increased, but shall never be diminished—and that the income thereof shall be inviolably appropriated to the support of common schools and to no other purpose whatever.

The fund is made up as follows:

1st. The amount which the State owes it, and which is evidenced by her non-negotiable bonds bearing interest at the rate of six per cent.....	\$3,904,783 21
Additions from fines and other sources.....	67,197 24
Amount held in the counties, and loaned by the Auditors on mortgage security at eight per cent., and for the preservation of which the Constitution makes the counties liable.....	2,341,267 12
2d. Congressional Township Fund, being the proceeds of the sales of the school sections.....	2,295,778 63
Estimated value of 13,453 acres of unsold school lands	102,293 40
Total permanent fund	\$8,711,319 60

The interest realized upon the general fund above mentioned is annually apportioned among the counties according to the enumeration of school children; but the interest upon the Congressional Township Fund is not so apportioned. It belongs to the Congressional townships, because the grant of the sixteenth section in each township was made by the act of Congress providing for the organization of the State government, to the "inhabitants of the township for the use of schools."

During the year 1873, the fund was increased, including the proceeds of a portion of the lands, but not including the portion of the Sinking Fund which was distributed, \$64,940.96, and during the year 1874 it was increased from the same sources, \$73,792.11.

The revenue realized during the year ending November 15, 1874, to be used in the support of schools, was as follows:

Interest on permanent fund	\$ 407,839 19
Derived from school tax.....	1,013,463 42
Unclaimed witness fees and other sources.....	72,304 96
Total.....	<hr/> \$1,493,597 57

To this sum is to be added the interest on the Congressional Township Fund\$ 172,209 82
And the amount received from local taxation. 551,785 74

Six thousand two hundred and sixty-five dollars and four cents was not distributed, but remains in the treasury. There has been received and distributed during the year for the support of schools \$2,211,328.13

The enumeration of 1874 of children between the ages of six and twenty-one years, shows the number of 654,364; the number enrolled in the schools is 489,044; and the average attendance upon the schools has been 311,272. Twelve thousand six hundred and fifty-five teachers have been employed.

The reports of the County Superintendents show a general and rapid improvement in almost every respect affecting the efficiency of the schools. The houses and grounds, fixtures and apparatus are being improved and made more attractive and convenient, and greater skill and success in the art of teaching and governing the children are being promoted. The Township and County Institutes are increasing the efficiency of our school system. Improvement is the natural result of professional association in the Institutes. The opinions, practice and experience of the teachers are brought under examination, and into comparison. The art of teaching is improved and the profession of the teacher, as it should be, is ennobled and dignified. I ask your attention to the carefully prepared report of the Superintendent of Public Instruction. You will find the views expressed and the information given important for your careful consideration in your relation to the schools of the State.

There is no subject to which I could call your attention in respect to which your responsibility is greater than any measure materially affecting the success and influence of the schools. Your responsibility and mine are too great to allow any important action upon hastily formed or ill-digested opinions. The guiding sentiment should be economy in expenditure and efficiency in the system. Neither should be sacrificed to the other. The school fund is sacred to a cause of the highest importance, and its waste, or extravagant use, would be a crime against society. All extra compensation and discretionary allowances should be prohibited. If, upon careful consideration and the test of experience, you find that the distinguished man who was the late Superintendent of Public Instruction, and whose recent death the country mourns, made a mistake in respect to any part of the machinery of our system, you will correct the mistake, but in your examination you will find the great weight of his opinion in the scales.

He was an economist, a friend of the people and the able champion of common-school education.

As representatives of the people we have occasion to be proud of the high character which our educational system maintains, and the people will approve the sentiment if you give it expression in legislation that, in respect to the cause of common-school education, we will take no step backwards.

THE STATE NORMAL SCHOOL.

By the act of March 5, 1873, fifteen thousand dollars per annum of the school revenue was permanently set apart as the Normal School Fund and appropriated to the support of the Normal School. The Board of Trustees have contracted an obligation of thirteen thousand two hundred and ninety dollars to provide for suitably heating the building. They ask that you will appropriate funds for its payment. The improvement was important to the institution, and I recommend that the appropriation be made. I think the school has been under good management, and that its success has been equal to the expectation that induced its establishment. In entering the institution, the students assume an obligation to make a return for the advantages which they enjoy by teaching in the common schools. They have thus far been faithful to that duty. The object of the school is to cultivate teachers in the art and science of their

profession. The beneficial results are already being felt over the State. The trained teachers influence and improve others with whom they come in contact in the schools and in the teachers' institutes. That influence will be constantly increasing as the graduating classes grow larger. As an important auxiliary to our common schools it merits your fostering care. Your attention is called to the reports of the Board of Trustees and of the President of the faculty, which give a clear and full statement of the condition and management of the institution, the condition of its finances and the reasons for the recommendations made by the Board.

THE STATE UNIVERSITY.

During the collegiate years, from June 28, 1872, to June 28, 1874, the State University has received the following revenues:

Endowment Fund	\$13,500 00
Under the act March 8, 1867.....	16,000 00
Appropriated February 9, 1873.....	22,500 00
Appropriated March 10, 1873	24,000 00
Appropriated March 10, 1873, for building	20,000 00
Appropriated December 14, 1872, deficiency.....	8,000 00
From counties, interest on lands sold.....	2,120 09
From other sources.....	3,457 62
Amount in treasury June 28, 1872.....	222 75
Total.....	<hr/> \$109,800 46

Of this sum \$90,500 was appropriated and paid from the State Treasury.

During the same period, the expenditures were \$108,613.21, of which \$40,473 46 was for the addition to the college buildings; and \$7,541.16 was for the Owen and Ward cabinets, and \$4,800 on the expenses of the medical department; and \$4,780 in payment upon loans; and \$1,665 for additions to the library, making \$58,806, and leaving \$49,807, the expense of the institution for two years, independent of the medical department, or \$24,903 per annum.

The number of students in attendance in 1874 was 371. Of these 108 were connected with the medical department in this city, which department cost the University nothing beyond the \$4,800 which I have mentioned. The entire number of students in the literary

and law departments, including 120 in the preparatory schools and select course, is 266. The expense of maintaining the institution is at the rate of \$93.62 for each student.

The course of study has been so arranged as to promote the convenience and success of students passing from the High Schools into the University. That is an improvement which will make the University of much greater advantage to the common and High Schools of the State.

For a description of the new College building, and a statement of its uses, and for a statement of the mode in which the institution is conducted, I refer you to the President's report.

THE PURDUE UNIVERSITY.

By the Act of Congress of July 2, 1862, the State of Indiana became entitled to land scrip equal to 30,000 acres for each of her Senators and Representatives in Congress, for the support and maintenance of a College, the leading object of which should be the teaching of such "branches of learning as are related to agriculture and the mechanic arts." The College was located, in Tippecanoe county, near the city of LaFayette, and on the west bank of the Wabash. In consideration of a large donation made to the College by John Purdue, Esq., the Legislature gave it the name and style of "The Purdue University." The land scrip was sold and the proceeds invested by the Treasurer of the University in United States six per cent. bonds. He has also invested the accumulating interest. He now holds three hundred bonds and \$4,690.42 in currency. The Treasurer's report shows that in 1867 the fund was of the value in currency of \$212,238.50, and that it is now of the value of \$356,502.92, showing an increase of \$144,264.42. That constitutes the permanent fund, the proceeds of which only can be used in support of the University, and the State is liable for its loss or diminution. By the act of March 6, 1865, the Treasurer is chosen by the Board of Trustees, and is required to give bond in a sum not less than \$200,000, with sureties to be approved by the Board. Because of the State's guaranty of the fund the Treasurer's bond should be required in a sum equal to the fund, including its accumulations, and subject, also, to the approval of the Governor.

For a statement of the improvements and expenditures that have been made, I refer you to the Treasurer's report. The buildings

are substantial, and the improvement of the surrounding grounds and the farm have been tastefully and economically made. A. C. Shortridge, Esq., a man of ability and good acquirements, and for many years Superintendent of the schools of Indianapolis, was chosen President. The professors and teachers were chosen after careful investigation of their qualifications for their respective positions. The University was opened for the reception of students on the 16th of last September. Forty-six students were admitted. Some were rejected because they lacked preparatory education.

For a full statement of the course of study, and the proposed management of the University, I refer you to the President's report.

I have taken much interest in this institution, and have given to its management all the attention I could bestow. Good faith and policy require that it be made successful, and to accomplish the beneficent purpose of the grant. In the language of the grant it is intended to "promote the liberal and practical education of the industrial classes in the several pursuits and professions of life." It is the people's university, and I commend it to your watchful and fostering care.

SECRETARY OF STATE.

The executive service of the State properly connected with the office of the Secretary of State has been administered with fidelity and ability by that officer. In the discharge of my duties, I have received valuable assistance from him. His reports give a full and interesting statement of the transactions of his office.

THE ATTORNEY GENERAL'S OFFICE.

The Attorney General's report gives a statement of the transactions of his office, and of the sums collected by him during the two years ending November 6, 1874, and payments made into the State Treasury, and into the treasuries of the counties. He adjusted claims against the United States amounting to \$182,736.78. Of that sum \$52,869.41 was retained in the United States Treasury for prior overpayments. His entire collections were \$299,884.70.

THE SOLDIERS' ORPHANS' HOME.

The Soldiers' Home was located in Rush county near the town of

Knightstown, and for several years was the home for the disabled soldiers of Indiana. When the United States had made ample provision for them, it was converted into an asylum for the orphan children of deceased soldiers, and became known as the Soldiers' Orphans' Home. The children are provided for and educated, and on the 31st day of October, 1874, they numbered two hundred and ninety. The expenditure from the State Treasury during the year ending October 31, 1873, was \$33,977.98, and for the year ending October 31, 1874, was \$35,308.36.

THE INSTITUTE FOR THE BLIND.

The Institute for the Blind is "an educational establishment, having for its object the moral, intellectual, and physical training of the blind of both sexes." Pupils are received between the ages of nine and twenty-one years, who are of sound mind and good moral character. Their boarding and instruction are without charge, but if clothing is furnished to the indigent the Institute is re-imburshed by the counties. During the year ending October 31, 1874, one hundred and thirteen pupils were in attendance, and during that year the expenditures were \$38,235.55, and during the year previous \$38,674.29.

For a full statement of the management and condition of the Institute I refer you to the carefully prepared reports of the Board of Trustees and of the Superintendent, and the detailed statement of the expenditures. Your attention is also called to their estimates, and the reasons given for increased appropriations for repairs, improvements, and enlarging the building.

THE INSTITUTE FOR THE DEAF AND DUMB.

The Institution for educating the Deaf and Dumb is located at Indianapolis. Its object is to educate persons of that class between the ages of ten and twenty-one years, and to make them proficient in some useful occupation or trade, so as to enable them to provide for their own support. The number of pupils in attendance during the year 1874 was three hundred and thirty-four.

The expenditure for the year ending October 31, 1873, was \$70,584.57, and for the year following, \$68,960.88. The report of the Superintendent calls your attention to the important fact

that the increase of deaf mutes in the State is in a ratio exceeding that of the increase of the population. His statement of the causes, and his array of facts in support thereof are of special interest. You will find it important to consider with care his suggestions for adequate provision for the large number who can not now be provided for at the Institute. Considerations of policy, as well as of humanity, and the requirement of the constitution demand that they be so educated, and instructed in useful employments as to render them self-supporting. Society thereby, in a large degree, will be relieved of their maintenance, and they will be made happy in the consciousness of honorable independence.

THE HOSPITAL FOR THE INSANE.

The Hospital for the Insane is located two miles west of Indianapolis, upon a tract of land of one hundred and sixty acres. Its object is the treatment of the insane with a view to their restoration, and none are received who are supposed to be incurable.

On the 31st day of October, 1873, there were in the hospital four hundred and seventy-four patients, and during the following year three hundred and seventy-three were admitted, and three hundred and sixty-five were discharged. Of those discharged one hundred and ninety-four were considered cured, forty-five improved, and ninety-two unimproved and incurable.

The expenditures for the year ending October 31, 1873, were \$209,339.47, and for the year ending October 31, 1874, \$195,702.52. Substantial and valuable improvements and repairs have been made during the last two years.

I ask your careful attention to the reports of the Trustees and of the Superintendent. They show the gratifying fact that the per cent. of recoveries has been unusually large during the last year, and the general health of the inmates improved. This result gives assurance that the expenditures for improvements suggested by experience have been wisely made. Pure water, fresh and pure air, careful attention and eminent skill give the result of more than fifty per cent. of cures. But a large portion of this most unfortunate class remain unprovided for. They can not be properly taken care of in the poor houses. In hundreds of instances they are a terrible burthen upon families—the objects of ceaseless anxiety. It seems there is no place for them in private life. They become hopeless

objects of commiseration, and sometimes of disgust. Without the capacity in many instances to preserve decency, they bring shame and humiliation to friends and neighbors. They can not speak to you. They do not know you, nor do they know that you, the people's representatives, are their guardian. They can not read the constitutional provision in their behalf, but you and I can. The honor of the State and the humanity of the people will not allow these poor unfortunates to be longer neglected. I believe Indiana is to-day the most prosperous State of the Union. Her people are liberal and generous in a cause like that for which I plead. Everybody else has a home. These poor, starless, hopeless wrecks of humanity must also have a home. They must be cared for, that they may live, and die, and be buried, like our brothers and sisters.

The grounds upon which the present institution stands are sufficient for another, entirely separate, and of equal or greater capacity. I concur in the recommendation of the Superintendent, to which I call your special attention, that the new Hospital be located thereon. His suggestion of the economy and advantage of one general management is very important. I recommend a special tax for the work, to be known as the tax for the Insane. A small levy will provide for its commencement, and its prosecution from year to year until completed. When completed, it will be your best and most enduring monument.

THE STATE PRISON, NORTH.

On the 15th day of December, 1874, there were four hundred and fifty-five convicts in the Northern Prison, which was an increase of eighty-seven during the year. The government of the prisoners has been rigid, but just; their food has been abundant and wholesome, and their clothing comfortable. There has been but little sickness in the prison, and but four deaths during the last two years.

During the two years ending December 15, 1874, there was received from the income of the prison, \$123,200.40; and expended for current and ordinary expenses, \$104,034.26.

No part of the appropriation of \$20,000 made March 10, 1873, for the current expenses of the prison has been required or used. There has been expended during the two years for permanent improvements, \$14,060.96, and a small sum upon the library. The improve-

ments include an abundant supply of water, a new shop, and a new roof upon the cell house. The old roof was destroyed by fire. The defect which probably caused the loss, and the manner in which it has been remedied, are stated in the report of the Board of Directors. The labor of the prisoners used in making the improvements is not included in the estimate of the cost.

Additional shop room is required for the advantageous employment of the convicts, and an additional cell house should be built. There are but three hundred and eighty-five cells in the prison, whilst there are four hundred and fifty-five prisoners to be provided for, and the number is rapidly increasing. It is hurtful to health and discipline to confine more than one prisoner in a single cell.

The favorable financial condition of the prison is attributable to the promptness and fidelity of the contractors as well as to the diligence and efficiency of the Warden and his assistants.

I have not been able to execute the act of March 10, 1873, authorizing the exchange of certain of the prison lands for other lands owned by Peter Donnelly, for the reason that there are errors of description in the act. It is important that the exchange be made. The proposed acquisition is necessary for proper drainage. I recommend that the act be amended so as properly to describe the lands.

THE STATE PRISON, SOUTH.

During the year 1873 the average number of convicts in the Prison, South was three hundred and ninety-five, and on the 15th day of December, 1874, the number was four hundred and seventeen. Much, and severe, sickness prevailed during the two years. It became almost epidemic. There were thirty-six deaths.

The report of the Directors for 1873 showed repairs amounting to \$17,802.05. They stated that the work done had put the prison in good repair. But the report of 1874 shows an expenditure for additional repairs of \$21,577.21, making in the two years \$39,379.26. No new structures appear to have been erected. The description of the work done, requiring so large an expenditure, is not sufficiently full to enable you or the executive to judge of its extent and propriety. I understand that some of the prisoners were employed upon improvements about the prison, and that their labor was charged at sixty cents per day to the repairs, and thereby the expenditures upon that account appear larger than they really were. The

Warden's reports show the ordinary expenses for the two years to have been \$119,743.26, and the proceeds of prison labor, \$136,314.73, but in this statement is included an expenditure for repairs, and, also, a portion of the \$19,000 received from the State treasury and, also, the labor of a portion of the convicts employed upon prison work.

There are constantly insane convicts in both prisons. They should not be kept with the other prisoners. I concur in the recommendation of the Wardens that provisions should be made for their separate confinement.

During the last three years the greater portion of the convicts in the Southern Prison have been employed by the Southwestern Car Company. Prior to that use of the prison labor the Ohio Falls Car and Locomotive Company had erected extensive and valuable works in the city of Jeffersonville, and were employing a large number of mechanics and laborers in the construction of railroad cars. During the last eighteen months the competition has interfered with the business of the outside works; and it is claimed that it has seriously disturbed the employment of free labor. It has caused much dissatisfaction and discontent in that locality. I think it is a hardship that should be remedied, if possible. The Falls Company had expended a large sum of money in the construction of their works and had attained successful operation, and large numbers of mechanics and laborers, amounting to several hundred, had removed to the city and obtained reliable employment, as they supposed, when the new Car Company was organized for the use of the prison labor in direct competition. The constitution, as well as humanity, requires that the treatment of the convicts shall have reference to their reformation. Reformation, by confinement, without labor is impossible. Considerations of policy also require their employment at such useful labor as will support the Institution. But I think this labor should not be brought in such direct and destructive competition with free labor, especially in a case where the free labor had first established its own reliable employment. The existing contracts will continue in force for about two years. During that time no complete remedy can be found, but after the expiration of the contracts the prisoners should be otherwise employed. In the meantime, should you authorize the commencement of the Asylum for the Insane, perhaps you can provide for the employment of a portion of the prisoners upon that work. Other States have found such use of the labor convenient and expedient.

THE REFORMATORY INSTITUTION FOR WOMEN AND GIRLS.

By the appropriation made at the last Legislature the indebtedness on account of the Reformatory was paid and the building completed. Mrs. Sarah J. Smith was appointed Superintendent, and in every respect has been a most faithful and efficient officer. In September, 1873, the Institution was opened, and soon thereafter the female prisoners, eighteen in number, were removed to it from the State Prison, South. There are now thirty in the penal department, and ninety-three girls in the reformatory. For a detailed statement of the expenditures in completing the building and maintaining the inmates, I refer you to the reports of 1873 and 1874. Some additional improvements must be made. The Institution should be so inclosed as to allow the prisoners out-door exercise and prevent escapes. I recommend that the law regulating admission to the reformatory department be so amended as to admit girls within the age of sixteen years.

Experience has shown the wisdom of providing a separate prison for female convicts. The probability of reformation is greatly increased. The building in its present condition is not safe from fire. It has been on fire on two occasions. Upon one occasion it was probably the work of a prisoner. I recommend that the Board of Managers be authorized to make such improvements as will make it more secure.

The Institution lost a devoted and valuable officer by the resignation of S. A. Fletcher, jr., Esq., the President of the Board of Managers. I appointed J. H. Kappes, Esq., to fill the vacancy.

THE HOUSE OF REFUGE.

The House of Refuge, at Plainfield, Hendricks county, was established pursuant to a requirement of the State constitution. It is upon a tract of land of two hundred and twenty-five acres. There are now two hundred and sixty-five inmates. The expenditures of the last year amounted to \$57,002.58, of which \$15,582.35 was for improvements and buildings, leaving \$41,420.23 the expense of the institution. Of the entire expenditures \$14,075.71 was received from the counties. Two large buildings have been erected during the year, one for a shop, and the other for a family house. The family house will provide for fifty boys. The entire improvements

made during the year are of the estimated value of more than twenty-five thousand dollars. Ten thousand dollars of that value was for the labor of the boys. They made the brick and did all the other work not requiring skilled labor. The inmates of the Institution are vicious boys and juvenile offenders, and their reformation is its object and purpose. The reports show the reformation of sixty per cent., and the improvement of others. As far as possible they are brought under the influence of moral sentiments. They are taught in the schools, and are required to do useful labor. These are the reforming influences. Out-door and farm labor is found to be the most useful. In his report the Superintendent says, "give the boys plenty of out-door work, and the labor of their reformation is infinitely lightened." I concur in his recommendation that additional farm lands be purchased. It is necessary to give employment to the boys, and to provide supplies for the institution. I ask your attention to the reports of the Board and the Superintendent.

THE STATE HOUSE AND LIBRARY.

For the management of the State Library and the care taken of the State House and adjoining grounds I refer you to the carefully prepared and very full report of the State Librarian. The Library has been put in excellent order, many missing volumes restored, lost volumes supplied and useful additions made, and the rooms have been refitted and made inviting to visitors. Repairs and improvements have been made in the State House which had become almost indispensable to its occupancy. They were made with the approval of myself and the State officers, and executed with cultivated taste and rigid economy.

A NEW STATE HOUSE.

On the 10th day of March, 1873, a concurrent resolution was adopted by the General Assembly, declaring that a necessity existed for the building of a new State Capitol, and awarding the sum of two thousand dollars as a premium for the best plans, specifications and estimates for the same. By the resolution it was also provided that a joint committee representing the two houses be appointed, whose duty it should be to receive the plans, specifications and estimates. That committee has given careful attention to the matter so referred. In their printed regulations they required the plans

to be for a structure to cost not exceeding two million dollars. They have received many plans and specifications, with detailed estimates, and have with great diligence examined and compared their respective merits. They will, no doubt, make to you a full report of their proceedings, with their recommendations.

The work thus inaugurated by the last Legislature comes before you for consideration and action. It can hardly be questioned that a new State House should be built. This house is neither suitable nor safe for the transaction of the public business. It does not correspond with the greatness of the State. It is not creditable. No other State in the northwest has such a house. These halls are not fit for your sessions. Your constituents when they visit the city can neither see nor hear your proceedings. They are much better provided for in your court houses. You have no suitable committee-rooms. You are dependent upon rented rooms over the city. You are thereby hindered in that personal consultation among yourselves which is so important in legislation. The people do not desire this. But they will expect you to avoid that prevalent fault in public buildings of extravagant ornaments. The building should be plain, tasteful, substantial and permanent, adapted to its purposes, and sufficient for the growing demands of the public service. Several years will be required in its construction, and a small special tax, annually, will be sufficient.

THE STATE BOARD OF AGRICULTURE.

A full account of the proceedings of the State Board of Agriculture, and a statement of its financial affairs during the years 1873 and 1874, will be found in the reports of those years. The most important movement of the Board during that period has been the erection upon the State Fair grounds of a beautiful and spacious structure for a State Exposition. To induce the Board to enter upon that work, four hundred and twenty of the business men of the city of Indianapolis gave their guaranty in the sum of one hundred thousand dollars against loss. The guarantors have paid a large sum upon the cost of construction. The Exposition has added greatly to the importance and attractiveness of the State Fair. Together they constitute an attractive and useful institution, dedicated to the exhibition, promotion, and improvement of the agricultural, mechanical, mineral, and productive industries of the State. The management, however skillful and impartial, of such an institution

must necessarily encounter dissatisfaction and criticism. The members of this Board and its officers have not escaped. In inaugurating and executing so important a work as the union of an Exposition with the Fair, it could not be otherwise. But the reports and my own observation justify me in saying that during these two years they have been faithful, and in a high degree successful.

The department of geology and natural science, established by the act of March 5, 1869, was placed in connection with and under the control of the State Board of Agriculture. Under the active and efficient management of Professor Cox, the State Geologist, that department has greatly promoted the interests of the people of this State. The surveys have developed valuable minerals in large quantities. That you may fully appreciate the extent and importance of the work which has been accomplished, I call your attention to the annual reports. I recommend that you continue the necessary appropriations, and that you place the service upon a more permanent basis.

THE VIENNA EXPOSITION.

By the act of March 4, 1873, provision was made for the proper representation of this State and of her interests at the Vienna Exposition. By direction of that act, I commissioned the State Geologist as commissioner of this State. He has made a detailed report to me of his proceedings and of his expenditures, which I communicate herewith. There remains an unexpended balance of the appropriation of \$682.42, which has been returned to the treasury.

HORTICULTURAL SOCIETY.

The financial reports of the Indiana Horticultural Society show that its receipts for the year 1874 were \$1,125.21, of which \$1,000 was by appropriation from the State treasury, and that its expenditures amounted to \$521.81, leaving in its treasury \$603.40. I have received no further report of its proceedings since that of the January meeting, 1874. I understand the society is growing in strength and interest.

BATTLE GROUND ENCLOSURE.

As required by the act of December 18, 1872, the Governor,

Secretary of State, Auditor of State and Treasurer of State caused a beautiful and permanent iron fence to be built around the Tippecanoe Battle Ground. I recommend the enactment of a law in accordance with the requirement of the constitution for the protection and preservation of the grounds and improvements with penalties for trespassing. At the request of the State officers and myself, the commissioners of Tippecanoe county have assumed the charge and care thereof, and will provide for any expenditure necessary to keep the same in repair.

The entire cost of the fence was \$17,854.17, leaving of the appropriation unexpended \$6,245.83. I suggest the propriety of using that unexpended balance in the construction of a suitable monument to the officers and soldiers who fell upon that field. If invited to do so, I suppose Ohio and Kentucky would join this State in the construction of the monument, thus making it, what it should be, the work of the three States in honor of their soldiers who fought and fell together.

THE PUBLIC PRINTING.

The legislative printing has been done under the supervision of the Secretary of State, in accordance with the joint resolutions of January 28 and 31, 1873.

I have caused the executive documents to be printed under contracts at prices fixed by competing bids. The rates have been as low as could be obtained, and as low as the work could be done without actual loss. The Auditor's reports show the amounts paid.

PRESERVING THE PEACE.

Upon two occasions I have been called upon to furnish arms and ammunition to Sheriffs to prevent threatened public disturbance; and upon three occasions I have called out the militia to support the civil officers in maintaining the peace, and enforcing the law. The expenses attending these proceedings amounted to four thousand two hundred and ninety-nine dollars and forty-five cents. One of these occasions was in the enforcement of legal process in a controversy between two railroad companies. As the military force was required to enable the Sheriff to execute a civil process when hindered by a large body of men, I thought it proper that the

expenses should be borne by the plaintiff, and I so required. The sum was promptly paid by the company, amounting to \$2,495.00. With the concurrence and approval of the State officers I directed the payment of the residue of the \$4,299.45 to be made out of the civil contingent fund under my control. It was not clear to the State officers, nor to myself, that such a use of the appropriation was contemplated by the Legislature, but the duty to "take care that the laws be faithfully executed," and to preserve the public peace, was so clearly imposed by the constitution that we could not hesitate. The public safety, and the supremacy of the law, should not be dependent upon any uncertain construction of an act of appropriation. I recommend that you appropriate a sum sufficient to meet such exigencies, and that the same be under the control of the Governor.

I ask your attention to the reports of the Adjutant General and Quarter Master General. The militia is almost entirely unorganized. There are but a few companies in the State in a condition to respond to any call that may be made upon them. I ask your consideration of the propriety of so amending the law to organize the militia as to make it more efficient; and to the propriety of the State giving some aid in properly equipping some companies.

The State is sufficiently supplied with arms. In addition to the former supply, I have made requisitions upon the United States Ordnance Office for, and received, five hundred breech-loading Springfield rifles, one hundred and fifty Spencer rifles and six Gatling guns, and suitable ammunition. The greater part of the arms are stored in the United States Arsenal, near the city of Indianapolis.

THE CENTENNIAL.

On the 3d day of March, 1871, an act of Congress was adopted, declaring that "it behooves the people of the United States to celebrate, by appropriate ceremonies, the Centennial Anniversary," of the signing and promulgation of the Declaration of the Independence of the United States; and that it is appropriate to commemorate the completion of the first century of our national existence by an exhibition of the natural resources of the country, and of our progress in those arts which benefit mankind, in comparison with older nations; and declaring, also, that "the exhibition should be a national celebration in which the people of the whole country should participate," and that "it should have the sanction of the Congress

of the United States." In accordance with that declaration the act of Congress provided: "That an exhibition of American and foreign arts, products, and manufactures, shall be held, under the auspices of the government of the United States, in the city of Philadelphia, in the year eighteen hundred and seventy-six." Provision was also made for a commission to execute the will of Congress so declared. The organization has been completed, and the State of Pennsylvania, and the city of Philadelphia, have appropriated large sums of money to aid the enterprise. The work of preparation has been commenced and is rapidly advancing. The designs contemplate an exhibition suitable for the great occasion.

The act of Congress has committed our country and the people to the celebration. A failure would cause us national humiliation. Success will gratify our national pride, and at the same time promote our prosperity by attracting the people and wealth of other countries. I recommend that you make such provision as will secure to the people of Indiana, and their interests, a full and advantageous representation.

TEMPERANCE.

The act of February 27, 1873, regulating the sale of intoxicating liquors has not accomplished the good that was expected by its advocates. It has not been sufficiently in accord with public opinion to be efficient or useful. It has been the cause of irritation without remedying the evils it was intended to suppress. The duty rests upon you to revise and reform that legislation. In the discharge of that duty, you will assume that there are evils to society and to individuals connected with the traffic in intoxicating liquors which it is the province of law to restrain and prevent. Sales should not be made to boys; and drunkenness should be punished as well as selling to the intoxicated; and the minor who misrepresents or conceals his age to obtain liquor, should be punished as well as the person who knowingly sells to him. Sales should be forbidden when the public peace or safety requires it. Like other pursuits, it should be suspended after a reasonable hour in the night, so as to avoid the disturbances incident to the traffic at that time. It should be made unlawful to buy whenever it is made unlawful to sell, and the punishment should be inflicted upon the purchaser as well as the seller.

I recommend that a reasonable tax, or license fee, be imposed. It

should be higher than heretofore and subject to forfeiture of the license for disregard of the law. That policy will bring a large revenue into the school fund, if so directed, and at the same time identify the interests of the party selling with that of society, in preserving order and good conduct at his place of business.

I suggest, for your consideration, whether it is not practicable to make a difference of regulation in respect to the sale of vinous and malt liquors and the stronger and more intoxicating drinks. There is a great difference in the evils that result from their use.

FEES AND SALARIES.

The effort at reform in the civil service of the State should not stop until the compensation of every officer shall be so accurately defined as to exclude all constructive fees and charges, and until it shall be so adjusted as to produce greater equality and in many cases a large reduction. As far as practicable fixed salaries should be established and all other compensation prohibited. The compensation should be sufficient to command for the public efficient and reliable service, but no greater. The act regulating fees, etc., of March 8, 1873, is perhaps an improvement upon the old law, but it leaves much yet to be done. This subject should receive your attention.

APPORTIONMENT.

The Constitution requires that the number of senators and representatives shall be apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each. The apportionment made by the act of December 27, 1872, is not in accordance with that requirement. The inequality among many counties is obvious and gross. Laws fixing representation should not be frequently changed, nor upon unimportant considerations. Stability is a quality important to their value. But no reason for amending the law could be stronger than that found in the fact of its gross inequality. The question is not free from doubt in my mind whether the apportionment can be changed prior to the next enumeration under the constitution. But should you be satisfied that the law may be amended, then the reasons in its favor are conclusive. In making the amendment of the law, no consideration whatever should be regarded but the constitutional requirement of equality and justice.

RAILROAD FREIGHTS.

Complaints are made that the railroad companies discriminate against way freight both by exorbitant charges and by inadequate provision for shipment. Many of the roads of this State constitute parts of through lines from the west to the east, and any discrimination against the way business in the manner complained of would occasion heavy loss to the people. I suppose there is some inconvenience and delay in transacting way business that must be compensated, but it should not be made the pretext to take advantage of the absence of competition, and to make the charges unreasonable. I recommend that you inquire into the causes of the complaints and that you provide a remedy that will be safe to the people and just to the railroads. The independent freight lines that are interposed between the stockholders and the people, to the hurt of both, should be brought more directly under the control of our laws both for the purpose of regulation and taxation.

THE SWAMP LAND RECORDS.

By virtue of the joint resolution of 1865, I appointed O. M. Eddy, Esq., Swamp Land Clerk, and assigned him to the duty of revising and correcting the files and records relating to the swamp lands of the State. They were in a very defective condition. With care and diligence he applied himself to the work and his report shows satisfactory progress towards its completion. The records and files relating to so large a quantity of land are important, and should be accurate and reliable. So far as the revision has been completed, I think they will be found reliable.

THE EXECUTIVE RECORD.

I have caused a full record to be kept of all the transactions of my office. I found no complete record of the correspondence of my predecessors, and but defective records of other official acts. It has often been difficult, and sometimes impossible, for me to ascertain their opinions and decisions upon questions again presented.

APPRAISEMENT OF REAL ESTATE.

I concur in the recommendation of the Auditor of State that the

revenue law of December, 1872, be so amended as to provide for the appraisement of the real estate every fifth year instead of every second year.

LOCAL TAXATION.

I call your special attention to the suggestions of the Auditor of State in relation to the necessity of a limit to be imposed upon the power of taxation by counties and townships, and by cities, in special cases.

I also submit for your consideration whether the difficulties and probable losses in the collection of the taxes, occasioned by the postponement of the collection of one-half thereof for six months, is compensated by any adequate advantage to the people. Experience shows that the provision which allows the postponement occasions both inconvenience and loss.

THE EXECUTIVE CLEMENCY.

As required by the Constitution, I herewith report all cases of reprieve, commutation, and pardon which I have granted, and all cases of fines and forfeitures which I have remitted, with a statement of the several amounts, and the names of persons relieved, and the facts and considerations which have governed me in each case.

SPECIAL MESSAGES.

At an early period of your session, I will make a communication to you in relation to the lands known as the bed of Beaver Lake; and also in relation to the condition of the Wabash and Erie canal, and the legal proceedings touching the same, pending in the Circuit Court of the United States.

STATE OFFICERS.

It gives me pleasure to say that the State officers with whom I have been associated in the execution of the laws have been faithful, intelligent and efficient in the discharge of their official duties. In regard to every public matter requiring our concurrent action, I have given them my entire confidence. For them I entertain sentiments of personal respect and esteem.

It is my painful duty to inform you of the death of the Hon. Milton B. Hopkins, Superintendent of Public Instruction, which occurred on the 16th day of August last. He was a faithful and able public officer, and in his death the cause of education in the State has sustained a great loss. I appointed his son, Alexander C. Hopkins, his successor for the residue of the official term.

I trust that your proceedings will be harmonious and result in the promotion of the interests of the State and people.

I had intended to restrict this communication to subjects that are of special interest to the State of Indiana, and had written all I intended to say when it became known to the country that free representative government had been broken down in the State of Louisiana by military violence. It is a fundamental right and essential to free institutions that a legislative body shall be the judge of the qualifications, elections and returns of its own members. It is declared in our constitution and in the constitution of the United States and in the constitution of Louisiana. It is exclusive and no power, not even the judiciary, can interfere with, or question, it. It is a prerogative of the State, because, without it no free State can exist. Without any pretext of domestic violence, that right has been taken away from the popular branch of the legislature of Louisiana and members recognized by the body have been driven from the hall by armed soldiers under the command of United States military officers, and others, not recognized by the body as members, have been seated as such.

The cause of the House of Representatives of Louisiana, and of its constituency is your cause and will be the cause of the people you represent, so long as constitutional and independent legislation shall be cherished by them as a right. Shall the privilege of the people to make their own State laws by their chosen representatives rest upon right, or only upon permission? The voice of the people should be so expressed as to restore the right. I ask you to protest against and denounce the usurpation as a crime to be detested, and not a precedent to be respected.

THOMAS A. HENDRICKS,

Governor of Indiana.

EXECUTIVE DEPARTMENT, January 7, 1875.

At the conclusion of the delivery of the message, the President of the Senate declared that the business for which the two Houses of the General Assembly had been called together was concluded, and the Joint Convention was adjourned without day. The Senate then returned to its Chamber.

President in the chair.

Mr. Neff moved that the Senate do now adjourn till two o'clock p. m.

Agreed to.

AFTERNOON SESSION.

Senate re-assembled.

Mr. LaRue introduced

Senate Bill No. 13. A bill to repeal an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12th, 1869, and saving proceedings commenced under said act and declaring an emergency.

Which was read a first time

Mr. Peed introduced

Senate Bill No. 14. A bill for an act to prevent empiricism and to elevate the standard of the Medical Profession.

Which was read a first time.

Mr. Neff introduced

Senate Bill No. 15. A bill to regulate the sale of intoxicating liquors; to provide against drunkenness; prescribing penalties;

to repeal all laws containing the provisions of this act, and declaring an emergency.

Which was read a first time.

Mr. Beardsley introduced

Senate Bill No. 16. A bill fixing the compensation of certain officers therein mentioned.

Which was read a first time.

Mr. Bell introduced

Senate Bill No. 17. A bill creating the Fortieth Judicial Circuit; fixing the time of holding courts therein, and also the time of holding courts in the Twenty-fourth Judicial Circuit, and providing for the appointment of a Judge and Prosecuting Attorney therein, and declaring an emergency.

Which was read a first time.

Mr. Friedley of Lawrence, moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and the bill be read a second time now.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were,

Messrs. Beardsley, Bell, Boone, Bowman, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Grove, Hackleman, Hendricks, Humphries, Johnson of Floyd, Johnston of Parke, Major, Neff, Oliver, Peed, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Smith, Thompson, Tobin, Underwood, Wilson and Winterbotham—33.

Those who voted in the negative were,

Messrs. Bearss, Bunyan, Friedley of Scott, Givan, Gooding, Haworth, Hough, Howard, LaRue, Maxwell, Ringo, Roe and Stockslager—12.

There not being two-thirds voting in the affirmative, the rules were not suspended.

Mr. Thompson introduced

Senate Bill No. 18. A bill supplementary to an act approved March 14, 1867, entitled, "An act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same and to regulate such other matter as pertains thereto."

Which was read a first time.

Mr. Gooding introduced

Senate Bill No. 19. A bill to authorize the United States of America to acquire title to lands in the State of Indiana by condemnation, proscribing the manner in which such condemnation shall be made, and declaring an emergency.

Mr. Givan introduced

Senate Bill No. 20. A bill prescribing that Justices of the Peace shall have original and exclusive jurisdiction in certain cases of misdemeanors.

Which was read a first time.

Mr. Hough introduced

Senate Bill No. 21. A bill to prohibit the sale, gift, or bartering of deadly weapons or ammunition therefor to minors.

Which was read a first time.

Mr. Major introduced

Senate Bill No. 22. A bill fixing the time of holding Circuit Courts and the length of the term thereof in the several counties of the Thirteenth Judicial Circuit of the State of Indiana, and declaring an emergency.

Which was read a first time.

Mr. Sleeth offered the following resolution.

Resolved, That the Auditor of State be required to furnish the Senate as early as practicable with a detailed statement of the amount paid each year since 1860, on account of the Brevier Report, the number of copies printed, whether the same was printed on State paper, and if so the cost of the same for each year, the cost of binding the same, if done at the expense of the State, amount paid for distributing as well as any other expenses to the State, either directly or indirectly on account of said Brevier Report.

Which was adopted.

Mr. LaRue introduced

Senate Bill No. 23. An act to amend the first section of an act entitled, "An act to regulate the sales of intoxicating liquors, to provide against evils resulting from any sales thereof, to furnish remedies for damages suffered by any person in consequence of such sales, prescribing penalties, to repeal all laws contravening the provisions of this act, and declaring an emergency for the immediate taking effect of this act.

Which was read a first time.

Mr. Thompson introduced

Senate Bill No. 24. A bill to provide for the mortgaging of the real estate of infants and persons of unsound mind, by their guardians, under the order of the proper courts.

Which was read a first time.

Mr. Beardsley introduced

Senate Bill No. 25. A bill to fix the time of holding courts in the Thirty-fourth Judicial Circuit.

Which was read a first time.

Mr. Neff introduced

Senate Bill No. 26. A bill to limit the number of grand jurors and to point the mode of their selection, defining their jurisdiction, and repealing all laws coming in conflict with this act.

Which was read a first time.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE DEPARTMENT,
INDIANAPOLIS, January 17, 1875.

Hon. Leonidas Sexton, President of the Senate:

SIR:—Samuel R. Downey, my Private Secretary, will act as Executive Messenger in delivery of communications to the Senate.

THOMAS A. HENDRICKS.

Mr. Bell of Allen, moved that the Senate do now adjourn until Monday, 2 o'clock p. m.

Which was agreed to.

MONDAY MORNING.

January 11th, 1875, 2 o'clock.

Senate assembled. President in the chair.

Journal of Friday, the 9th inst., read and approved.

The following invitation was received from the Governor :

Hon. Leonidas Sexton, President of the Senate :

SIR:—Governor and Mrs. Hendricks will be happy to see the members and officers of the Senate with their families this evening at 8 o'clock at their residence, 407 North Tennessee street.

Which, on motion of Mr. Thompson, was accepted.

Mr. Friedley of Scott, offered the following :

Resolved, That if any employes of this house shall become intoxicated he shall be deemed unworthy of the position he fills and shall be dismissed by his employer and his place filled by a sober man.

Which was adopted.

Leave of absence was granted Mr. Henderson one week ; and Mr. Smith until two o'clock p. m, Tuesday.

Mr. Menefee, door-keeper elect, appeared, took the oath of office and entered upon the discharge of his duties.

Mr. Thompson presented the following memorial :

To the Senate and House of Representatives of the State of Indiana

The undersigned, your petitioners, represent that at a meeting of the soldiers of the Mexican war, held at the city of Indianapolis, on the 7th day of January, 1875, we were appointed a committee to present this memorial to the General Assembly of the State

of Indiana, and in behalf of those who served in the war of the United States against Mexico, in the years 1846, 1847, and 1848, we respectfully represent that many of those who more than a quarter of a century ago maintained the honor of our flag, in that gallant and triumphant contest are now in necessitous circumstances and stand in need of the care of a just and generous government.

By the valor of the veterans of the war with Mexico, the honor of the nation was maintained and a new empire was added to our dominion, we therefore pray your honorable body in view of the valuable service of the veterans of the Mexican war, the long period that has elapsed, the great reduction in their number by death, the result of wounds received in battle, or disease contracted in that service, the encroachment of old age with its attendant disabilities and the extreme poverty of some of their numbers, that your honorable body will adopt a joint resolution instructing our Senators in Congress to enact a law granting, without favor or discrimination of those who served in the Mexican War for a period of sixty days or more, and were honorably discharged, the small sum of eight dollars per month during their natural lives.

Mr. Thompson introduced

Senate Joint Resolution No. 3. *Be it Resolved by the General Assembly of the State of Indiana*, That our Senators in Congress be instructed and our Representatives in Congress requested, to use all their influence to secure the passage of a law granting, without favor or discrimination, to those who served in the Mexican War for a period of sixty days or more and were honorably discharged, the small sum of eight dollars per month during their natural lives.

Which was read a first time.

Mr. Givan introduced

Senate Bill No. 27. A bill to regulate and license the sale of intoxicating liquors and to provide against the evils resulting from the sale thereof, to prohibit the adulteration of liquors, and providing that it shall be unlawful for any person to furnish any minor, person intoxicated, or any person in the habit of getting intoxicated, any intoxicating liquors, or for any person under the age of

twenty-one years to purchase any intoxicating liquors on Sunday, or on the day of any State, county, township or municipal election, in the township, town or city where said election may be held, to be drank as a beverage, or for any person to get intoxicated and be found intoxicated in any public place, and prescribing penalties for the violations of said act, and to repeal all laws coming in conflict with any of the provisions of this act, and declaring an emergency.

Which was read a first time.

Mr. Slater introduced

Senate Bill No. 28. A bill to amend an act entitled "An act to amend Section 58 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same and to regulate such other matters as properly pertain thereto,'" approved March 14th, 1867, and declaring an emergency, approved March 7th, 1873.

Which was read a first time.

Mr. Rhodes introduced

Senate Bill No. 29. A bill abolishing Grand Juries and authorizing all criminal proceedings to be instituted by affidavit, compelling the attendance of witnesses and repealing all laws in conflict with this act.

Which was read a first time.

Mr. Sarnighausen introduced

Senate Bill No. 30. A bill creating a Department of Statistics and prescribing rules and regulations for the government of the same.

Which was read a first time.

Mr. Beardsley introduced

Senate Bill No. 31. A bill for the protection of wild game and

defining the time in which the same may be killed and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith and declaring an emergency.

Which was read a first time.

Mr. Winterbotham introduced

Senate Bill No. 32. A bill to limit appointments to office in the punitive, reformatory and benevolent institutions of the State.

Which was read a first time.

Mr. Dykeman introduced

Senate bill No. 33. A bill appropriating one hundred and twenty thousand dollars to defray the expenses of the Forty-Ninth regular session of the General Assembly of the State of Indiana.

Which was read a first time.

Mr. Dykeman moved to suspend the constitutional rule requiring bills to be read on three several days that the bill may be read a second time now.

The ayes and noes being taken under the rule,

Those voting in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Caldwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Sarnighausen, Scott, Skinner, Stockslager, Thompson, Tobin, Underwood and Wilson—41.

Those voting in the negative were,

Messrs. Givan, Johnston of Parke, Slater and Winterbotham—4.

So the constitutional rule was suspended and Senate Bill No. 33 was read a second time and considered engrossed.

Mr. Sarnighausen moved that the constitutional rule requiring bills to be read on three several days be suspended that the bill may be read a third time now.

The ayes noes being taken under the rule,

Those voting in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Sarnighausen, Scott, Skinner, Stockslager, Thompson, Tobin, Underwood and Wilson—45.

Those voting in the negative were,

Messrs. Slater and Winterbotham—2.

So the constitutional rule was suspended and Senate Bill No. 33, a bill appropriating one hundred and twenty thousand dollars to defray the expenses of the Forty-ninth Regular Session of the General Assembly of the State of Indiana, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Sarnighausen, Scott, Skinner, Slater, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—45.

Mr. Givan only voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Mr. Dykeman introduced

Senate Bill No. 34. A bill regulating attorney fees.

Which was read a first time.

Mr. Dykeman introduced

Senate Bill No. 35. A bill repealing an act entitled "An act regulating interest on judgments."

Which was read a first time.

Mr. Howard introduced

Senate Bill No. 36. A bill declaring illegal and void agreements to pay attorney fees contained in any bill of exchange, acceptance or draft, promissory note or other written evidence of indebtedness.

Which was read a first time.

Mr. Peed introduced

Senate Bill No. 37. An act providing for publication of official matter in German newspapers.

Which was read a first time.

Mr. Stockslager introduced

Senate Bill No. 38. A bill repealing sections 1, 2, 3, 4 and 5, of an act entitled "An act supplementary and amendatory of an act entitled 'an act providing for a uniform assessment of property

and for the collection and return of taxes thereon, and declaring an emergency,'” approved December 21, 1872, approved March 8, 1873.

Which was read a first time.

Mr. Bearss introduced

Senate Bill No. 39. A bill repealing the 1st, 2d, 3d and 6th sections of an act authorizing the appraisement of all the lands within one mile and one-half mile on either side or within one and one-half miles of the terminus of any plank, macadamized or gravel road organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled “An act authorizing the construction of plank, macadamized and gravel roads,” approved May 12, 1852, when the subscription to such roads amounts to eight hundred dollars per mile and is not sufficient for the completion of the same, and the collection of such appraisements; *Provided*, The lands are situated within the county in which such road is located, approved March 11, 1867, and all other laws authorizing the appraisement and collection of any taxes or appraisement for the construction of said road, and declaring an emergency.

Which was read a first time.

Mr. LaRue introduced

Senate Bill No. 40. An act to enable employees of railroad companies to collect compensation for labor performed, and to the stockholders of railroad corporations liable for such labor and to enable stockholders enforce contribution against other stockholders, and declaring an emergency.

Which was read a first time.

Mr. Neff introduced

Senate Bill No. 41. A bill limiting the number of justices of the peace in each township, prescribing their jurisdiction and

requiring them to use a seal, and repealing all laws in conflict with the provisions of this act.

Which was read a first time.

Mr. Peed introduced the following:

Senate Joint Resolution No. 4. A joint resolution instructing our Senators, and requesting our Representatives in Congress, to use all proper means to secure an appropriation of money for the improvement of the east fork of White River.

Which was read a first time.

Mr. Humphries introduced

Senate Bill No. 42. An act to provide for the redemption of personal property sold for taxes.

Which was read a first time.

Mr. Thompson introduced

Senate Bill No. 43. An act to amend the six hundred and forty-seventh section of an act approved June 18th, 1852, and entitled 'An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity.'

Which was read a first time.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT

I am directed by the House to inform the Senate that upon the part of the House he has appointed the following members of Joint Standing Committees:

On Public Library.

Johnson of Carroll, Thompson of Marion, and Shortridge.

On Public Buildings.

Thompson of Marion, Gilbert and Morgan.

On Canal Fund.

Shaw and Forkner.

On Enrolled Bills.

Megenity, Davison, Reno, Edwards, Favorite, and Thompson of Henry.

Mr. Humphries introduced

Senate₂ Bill No. 44. An act to declare null and void parts of certain contracts.

Which was read a first time.

Mr. Bell introduced

Senate Bill No. 45. An act in relation to the appointment of receivers, and to authorize appeals in such cases.

Which was read a first time.

Mr. Boone introduced

Senate Bill No. 46. A bill to amend the 8th section of an act entitled "An act concerning real property and the alienation thereof," approved May 5th, 1852.

Which was read a first time.

Mr. Boone introduced

Senate Bill No. 47. A bill to amend sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17 and 18 of an act entitled "Regula-

ting the fees of officers and providing penalties for its violation, repealing certain acts therein named, and providing duties to be performed by State, county and township officers and matters properly connected therewith," approved March 8, 1873.

Which was read a first time.

The following communication was received from the Board of Trade:

INDIANAPOLIS, January 8, 1875.

To the President of the State Senate of Indiana:

DEAR SIR:—By a unanimous vote the officers and members of the State Senate, were this day made honorary members of the Indianapolis Board of Trade for the year ending September, 1875. Tickets will be presented as soon as practicable.

Very respectfully,

THOS. D. KINGAN,

J. BARNARD,

President.

Secretary.

Mr. Chapman moved that the Senate do now adjourn, which was not agreed to.

Indefinite leave of absence was granted Mr. Roe.

Mr. Bunyan introduced

Senate Bill No. 48. A bill concerning the election and organization of Boards of School Trustees, to repeal all laws in conflict therewith and declaring an emergency.

Which was read a first time.

Mr. Maxwell introduced

Senate Bill No. 49. An act requiring officers to account for interest.

Which was read a first time.

Mr. Howard introduced

Senate Bill No. 50. An act to provide for the incorporation of any public or private cemetery already laid out and recorded where any of the lots therein are occupied for the burial of the dead, and to provide for its maintenance, improvement, addition thereto, the collections of assessments made thereon and the election of officers for its government.

Which was read a first time.

Mr. Bowman introduced

Senate Bill No. 51. A bill to repeal section 2 of an act entitled "An act to amend an act entitled 'an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith,' etc., approved March 6, 1865, and adding supplemental sections thereto," approved March 8, 1873.

Which was read a first time.

Mr. Grove introduced

Senate Bill No. 52. A bill to amend the fourth and ninth sections of an act entitled "An act for the incorporation and continuance of Building, Loan Fund and Savings Associations, approved March 5, 1857, to legalize certain contracts made by such associations, and declaring an emergency."

Which was read a first time.

Mr. Daggy offered the following:

Resolved, That the Postmaster of the Senate be requested to confer with the publishers of the Daily Journal and Sentinel, and find out at what rate they will furnish their paper per copy, and also the same folded and stamped to the several members of the Senate, to be delivered at the Senate Chamber.

Which was adopted.

Mr. Friedley of Scott offered the following :

WHEREAS, The Secretary of State has in his possession and paid for by the State, the following named in this resolution ; therefore,

Resolved, That he be requested to place upon the desk of each Senator, one set of Journals for 1872 and 1873, one copy Acts of 1872 and 1873, one copy Brevier Reports for 1872 and 1873, one copy Annual Reports for 1872 and 1873.

Which was adopted.

Mr. Oliver offered the following :

Resolved, That the Doorkeeper of the Senate be, and is hereby instructed to procure for the benefit of the members thereof, one copy each of the following papers, viz. : Indianapolis Sentinel, Indianapolis Journal, Evening News, The Sun, The Telegraph, Volksblatt, Herald, People and the Globe.

Mr. Givan moved that the resolution do lie on the table.

Which was agreed to.

Mr. Friedley of Lawrence, offered the following concurrent resolution :

Resolved by the Senate, the House of Representatives concurring, That the two Houses of the General Assembly of the State of Indiana will meet in joint convention in the Hall of the House of Representatives, at 2 o'clock p. m., on the 26th day of January, A. D. 1875, for the purpose of electing one State Librarian, three Directors of the State Prison, North, one Director of the State Prison, South, two Trustees of the Blind Asylum, one Trustee of the Deaf and Dumb Asylum, one Trustee of the Insane Asylum, one Trustee of the Soldier's Orphans' Home.

Pending the consideration thereof, on motion of Mr. Sarnighausen, the Senate adjourned until to-morrow morning at 10 o'clock.

LEONIDAS SEXTON,
President.

TUESDAY MORNING.

JANUARY 12, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

Journal of yesterday read and approved.

The President announced the following standing committees of the Senate :

On Elections.

Messrs. Daggy, Dykeman, Hackleman, Givan, Johnston of Parke, Rhodes and Winterbotham.

On Finance.

Messrs. Chapman, Harney, Beardsley, Bowman, Friedley of Scott, Dykeman and Hough.

On Judiciary.

Messrs. Sleeth, Boone, Daggy, Peed, Johnston of Parke, Bell and Friedley of Lawrence.

On Education.

Messrs. Scott, Johnson of Floyd, Friedley of Lawrence, Beardsley, Boone, LaRue and Major.

On Corporations.

Messrs. Hough, Bowman, Gooding, Maxwell, Sleeth, Humphries and Underwood.

On Roads.

Messrs. Bunyan, Cardwell, Grove, Haworth, Neff, Skinner and Tobin.

On Benevolent Institutions.

Messrs. Thompson, Davidson, Hough, Ringo, Roe, Wilson and Hackleman.

On Agriculture.

Messrs. Boone, Cree, Hough, Bowman, Roe, and Baxter.

On Banks.

Messrs. Givan, Bearss, Winterbotham, Chapman, Dykeman, Bunyan and Hendricks.

On Manufactures.

Messrs. Beardsley, Bell, Bunyan, Ringo, Culbertson, Oliver and Grove.

On Public Printing.

Messrs. Slater, Beardsley, Peed, Hough, Hendricks, Gooding and Major.

On Public Buildings.

Messrs. Oliver, Slater, Scott, Boone, Bearss, Harney and Friedley of Lawrence.

On Prisons.

Messrs. Friedley of Scott, Stockslager, Baxter, Winterbotham, Howard, Johnson of Floyd and Underwood.

On Canals and Internal Improvements.

Messrs. Sarnighausen, Culbertson, Haworth, Howard, Cree, Henderson and Tobin.

On State Library.

Messrs. Oliver, Slater, Rhodes, Davidson, Scott, Bearss and Johnson of Floyd.

On Fees and Salaries.

Messrs. Rhodes, Smith, Neff, Cardwell, Wilson, Howard and Stockslager.

On Claims.

Messrs. Harney, Johnston of Parke, Slater, Roe, Cree, Hackleman and Hendricks.

On Military Affairs.

Messrs. LaRue, Dykeman, Gooding, Maxwell, Sarnighausen, Thompson and Cardwell.

On Phraseology and Arrangement of Bills.

Messrs. Bell, Daggy, Humphrey, Givan, Chapman, Smith and Scott.

On Unfinished Business.

Messrs. Baxter, Boone, Cardwell, Davidson, Friedley of Scott, Grove and Henderson.

On Organization of Courts.

Messrs. Gooding, Smith, Johnston of Parke, Givan, Sleeth, Stockslager, and Friedley of Lawrence.

On Expenditures.

Messrs. Bearss, Culbertson, Thompson, Skinner, Tobin, Humphreys and Neff.

On Federal Relations.

Messrs. Hackleman, Johnson of Floyd, Neff, Peed, Baxter, Scott and Wilson.

On Swamp Lands.

Messrs. Dykeman, Oliver, Ringo, Skinner, Winterbotham, LaRue and Tobin.

On Temperance.

Messrs. Neff, Ringo, Baxter, Boone, Howard, Maxwell and Humphreys.

On County and Township Business.

Messrs. Howard, Grove, Major, Underwood, Bowman and Haworth.

On the Rights and Privileges of the Inhabitants of the State.

Messrs. Johnston of Parke, Gooding, Oliver, Roe, Sarnighausen, Stockslager and Winterbotham.

On Reformatory Institutions.

Messrs. Haworth, Bell, Baxter, Hendricks, Bearss, Cree and Winterbotham.

On Immigration and Statistics.

Messrs. Johnson of Floyd, Haworth, Sarnighausen, Roe, Peed, Scott and Oliver.

On Insurance.

Messrs. Stockslager, Thompson, Skinner, Chapman, Maxwell, Daggy and Humphreys.

On Railroads.

Messrs. Friedley of Lawrence, Dykeman, Sleeth, Bell, Smith, Gooding and Scott.

On Mines and Mining.

Messrs. Major, Ringo, Daggy, Humphreys, Scott, Wilson and Rhodes.

The President announced the following Joint Standing Committees on the part of the Senate :

On Enrolled Bills.

Messrs. Johnston of Parke, Cree and Wilson.

On Public Buildings.

Messrs. Oliver, Slater and Scott.

On State Library.

Messrs. Rhodes, Davidson and Bearss.

On Canal Funds.

Messrs. Haworth, Humphreys and Cardwell.

On Claims.

Messrs. Harney, Roe and Cree.

Mr. Smith moved to suspend the order of business and read Senate Bill No. 2 a second time now, by title.

Which was not agreed to.

Mr. Thompson introduced

Senate Bill No. 53. A bill to amend section five of an act entitled "An act to amend the 18th, 24th, 25th, and 26th sections of an act entitled 'an act regulating descents and the apportionment of estates,'" approved May 14th, 1852, and adding a supplemental section to said act, approved March 4th, 1853.

Which was read a first time.

Mr. Friedley of Scott, offered the following: Acknowledging the forms of religion as well as the claims of christianity, therefore,

Resolved, That a committee of three be appointed to confer with the pastors of the various churches of Indianapolis, that the services of one may be secured as Chaplain each morning during the session.

Which was adopted.

Mr. Cardwell introduced

Senate Bill No. 54. A bill to amend an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases.

Which was read a first time.

Mr Smith introduced

Senate Bill No. 55. A bill to amend section 16 of an act entitled "An act concerning real property and the alienation thereof," approved May 6th, 1852.

Which was read a first time.

Mr. LaRue introduced

Senate Bill No. 56. An act to amend the first section of an act entitled "An act to prevent the introduction and spread in this State of the Texas and Spanish cattle fever, and declaring bring-

ing of Texas or Cherokee cattle into this State or the purchase of the same at certain seasons of the year a misdemeanor, and prescribing the penalty therefor," approved February 10, 1869, and declaring an emergency.

Which was read a first time.

Mr. Johnston of Parke, introduced

Senate Bill No. 57. A bill to repeal an act entitled "An act to provide for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for the violation of the same, and declaring an emergency," approved March 9, 1867.

Which was read a first time.

Mr. Ringo offered the following concurrent resolution :

WHEREAS, A most respectful application has been made by the officers of the Womens' Christian Temperance Union of this State, praying that this General Assembly will graciously grant them an audience of one and a half hours for the presentation to this General Assembly of petitions and for addresses by Mrs. Governor Wallace, of Indianapolis, and Mrs. Jennie Avaline, of Ft. Wayne, therefore

Be it resolved by the Senate, the House concurring therein, That from three and a half o'clock to five o'clock p. m. on Tuesday, January 19, be set apart for that purpose.

Mr. Slater moved that the concurrent resolution do lie upon the table.

Pending which the resolution was withdrawn.

Mr. Howard introduced

Senate Bill No. 58. A bill to amend section 3 of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852.

Which was read a first time.

Mr. Beardsley introduced

Senate Bill No. 59. An act to amend section 29 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain duties of the officers in relation thereunto," approved March 5, 1859.

Which was read a first time.

Mr. Scott introduced

Senate Bill No. 60. An act defining the liabilities of infants and persons contracting with infants of certain age, and declaring an emergency.

Which was read a first time.

Mr. Thompson introduced

Senate Bill No. 61. An act to amend section 5 of an act entitled "An act touching the marriage relation and liabilities incident thereunto," approved May 31, 1852.

Which was read a first time.

SENATE BILLS ON SECOND READING.

Senate Bill No. 1. A bill to amend the first section of an act, approved December 19, 1872, and entitled "An act fixing the *per diem* and mileage of members of the General Assembly, and providing that they shall furnish their own stationery."

Was read a second time by title and referred to the Committee on Fees and Salaries.

Senate Bill No. 2. A bill to regulate and license the sale of spiritous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof."

Was read a second time by title and referred to the Committee on Temperance.

Senate Bill No. 3. A bill fixing the per diem of the members of the General Assembly and the employees, the mileage of the members and the perquisites they shall receive in lieu of stationery, papers and stamps.

Was read a second time by title and referred to the Committee on Fees and Salaries.

Senate Bill No. 5. An act to amend section 13 of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 6. A bill defining the salary of the Governor and the manner of paying it.

Was read a second time by title and referred to the Committee on Fees and Salaries.

Senate Bill No. 7. An act to amend sections 102, 107, 271, 277 and 278 of an act to provide for the uniform assessment of property and for the collection and return of taxes thereon, approved December 21, 1872, and to provide for the election of township assessors, and prescribing their duties.

Was read a second time by title and referred to the Committee on Finance.

Senate Bill No. 8. An act fixing the per diem and mileage of members of the General Assembly and providing that they shall furnish their own stationery, was read a second time by title, and referred to the Committee on Fees and Salaries.

Senate Bill No. 9. A bill to authorize the organization of Boards of Trade and other commercial associations, and defining their powers.

Was read a second time by title and referred to the Committee on Corporations.

Senate Bill No. 11. A bill declaring it to be unlawful to deprive certain employes of any railroad company of the benefit of the exemption laws of this State by attachment and garnishee proceedings being instituted without this State, and providing that wages so collected from a railroad company may be recovered back with damages.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 12. An act fixing the per diem of members of the General Assembly and the officers thereof.

Was read a second time by title and referred to the Committee on Fees and Salaries.

Senate Bill No. 15. A bill regulating the sale of intoxicating liquors, to provide against drunkenness, prescribing penalties, to repeal all laws contravening the provisions of this act and declaring an emergency.

Was read a second time by title and referred to the Committee on Temperance.

Senate Bill No. 18. A bill supplementary to an act approved March 14, 1867, entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto."

Was read a second time by title and referred to the Committee on Corporations.

Senate Bill No. 4. An act to repeal an act entitled "An act to require railroad companies to issue stock paid for by taxes voted in aid of their railroad, to the taxpayers or their assignors, etc., issue unclaimed stock for the benefit of the common school fund, and declaring an emergency," approved December 7, 1872.

Was read a second time by title and referred to the Committee on Railroads.

Senate Bill No. 17. An act creating the Fortieth Judicial Circuit, fixing the time for holding courts therein and also the time of holding courts in the Twenty-fourth Judicial Circuit, and providing for the transfer of certain business from the Twenty-fourth to the Fortieth Judicial Circuit, and providing for the appointment of a Judge and Prosecuting Attorney therein, and declaring an emergency.

Was read a second time by title and referred to the Committee on Organization of Courts.

Senate Bill No. 16. Fixing the compensation of certain officers therein mentioned.

Was read a second time by title and referred to the Committee on Fees and Salaries.

Senate Bill No. 23. A bill to amend the first section of an act entitled "An act to regulate the sale of intoxicating liquors, to provide against evils resulting from any sale thereof, to furnish remedies for damages suffered by any person in consequence of such sale, prescribing penalties, to repeal all laws contravening the provisions of this act and declaring an emergency for the immediate taking effect of this act."

Was read a second time by title and referred to the Committee on Temperance.

Senate Bill No. 26. A bill to limit the number of grand jurors and to point out the mode of their selection, defining their jurisdiction and repealing all laws coming in conflict with this act.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 29. A bill abolishing grand juries and authorizing all criminal proceedings to be instituted by affidavit, compelling the attendance of witnesses and repealing all laws in conflict with this act.

Was read a second time by title, and referred to the Committee on Judiciary.

Senate Bill No. 32. A bill to limit appointments to office in the punitive, reformatory and benevolent institutions of the State.

Was read a second time by title and referred to the Committee on Prisons.

Senate Bill No. 27. An act to regulate and license the sale of intoxicating liquors, and to provide against the evils resulting from the sale thereof; to prohibit the adulteration of liquors, and providing it shall be unlawful for any person to furnish any minor, person intoxicated, or any person in the habit of getting intoxicated, any intoxicating liquors, or for any person under the age of twenty-one years, to purchase any intoxicating liquors, or for any person to purchase any intoxicating liquors on Sunday, or on the day of any State, county, township or municipal election in the township, town or city where said election may be held, to be drank as a beverage, or for any person to get intoxicated and be found intoxicated in any public place, and prescribing penalties for the violation of said act, and to repeal all laws coming in conflict with any of the provisions of this act, and declaring an emergency.

Was read a second time, and referred to the Committee on Temperance.

Senate Bill No. 19. A bill to authorize the United States of America to acquire title to land in the State of Indiana by condemnation, prescribing the manner in which such condemnation shall be made, and declaring an emergency.

Was read a second time by title, and referred to the Committee on Federal Relations.

Senate Bill No. 20. A bill prescribing that justices of the peace shall have original and exclusive jurisdiction in certain cases of misdemeanor.

Was read a second time by title, and referred to the Committee on Judiciary.

Senate Bill No. 21. An act to prohibit the sale, gift or bartering of deadly weapons, or ammunition therefor, to minors.

Was read a second time by title, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Senate Bill No. 22. A bill fixing the time of holding Circuit Court and the length of the terms thereof in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency.

Was read a second time by title, and referred to the Committee on Organization of Courts.

Senate Bill No. 14. A bill for an act to prevent empiricism and to elevate the standard of the medical profession.

Was read a second time by title and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Senate Bill No. 10. A bill to regulate public warehouses and warehousing and inspecting and mixing grain, providing for the appointment of inspectors of grain, making warehouse receipts assignable, prescribing the duties of warehousemen and inspectors of grain, and providing penalties.

Was read a second time by title and referred to the Committee on Corporations.

Senate Bill No. 24. An act to provide for the mortgaging of the real estate of infants and persons of unsound mind by their guardians under the order of the proper courts.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 13. A bill to repeal the act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and saving proceedings commenced under said act, and declaring an emergency.

Was read a second time by title and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Senate Bill No. 25. A bill to fix the time for holding the courts in the Thirty-fourth Judicial Circuit.

Was read a second time by title and referred to the Committee on Organization of Courts.

Senate Bill No. 30. A bill creating a Department of Statistics and prescribing rules and regulations for the government of the same.

Was read a second time by title and referred to the Committee on Immigration and Statistics.

Senate Bill No. 28. A bill to amend an act entitled "An act to amend Section 58 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,'" approved March 14, 1867, and declaring an emergency; approved March 7, 1873.

Was read a second time by title and referred to the Committee on Corporations.

Senate Bill No. 31. An act for the protection of wild game, and defining the time in which the same may be killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency.

Was read a second time by title, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Senate Bill No. 34. An act regulating attorneys' fees.

Was read a second time by title and referred to the Committee on the Judiciary.

Senate Bill No. 35. An act repealing an act entitled "An act regulating interest on judgments."

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 36. A bill declaring agreements to pay attorney fees contained in any bill of exchange, acceptance, draft, promissory note, or other written evidence of indebtedness illegal and void.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 37. An act providing for publication of official matter in German newspapers.

Was read a second time by title, and referred to the Committee on Printing.

Senate Bill No. 38. An act to repeal sections 1, 2, 3, 4 and 5 of an act entitled "An act supplementary and amendatory of an act to provide for a uniform assessment of property and for the collection and return of taxes thereon, and declaring an emergency," approved December 21, 1872, approved March 8, 1873.

Was read a second time by title, and referred to the Committee on Finance.

Senate Bill No. 39. A bill repealing the first, second, third and sixth sections of an act authorizing the assessment of all the lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled 'an act authorizing the construction of plank, macadamized and gravel roads,' approved May 12, 1872, when the subscription to such roads amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessments, provided the lands are situated within the county in which such road is located," approved March 11, 1867, and all other laws authorizing the assessment and collection of any taxes or assessment for the construction of said railroad, and declaring an emergency.

Was read a second time by title, and referred to the Committee on Corporations.

Senate Bill No. 40. A bill to enable employes of railroad companies to collect compensation for labor performed, and to make the

stockholders of railroad corporations liable for such labor, and to enable stockholders to enforce contribution against other stockholders, and declaring an emergency. .

Was read a second time by title, and referred to the Committee on Railroads.

Senate Bill No. 41. An act limiting the number of justices of the peace in each township, prescribing their jurisdiction and requiring them to use a seal, and repealing all laws in conflict with the provisions of this act.

Was read a second time, and referred to the Committee on the Organization of Courts.

Senate Bill No. 42. An act to provide for the redemption of personal property sold for taxes.

Was read a second time by title, and referred to the Committee on Judiciary.

Senate Bill No. 44. A bill to declare null and void parts of certain contracts.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 45. A bill in relation to the appointment of receivers and to authorize appeals in such cases.

Was read a second time by title and referred to the Committee on Railroads.

Senate Bill No. 46. A bill to amend the eighth section of an act entitled "An act concerning real property and alienation thereof," approved May 6th, 1852.

Was read a second time by title, and referred to the Committee on Judiciary.

Senate Bill No. 47. A bill to amend sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, and 18, of an act entitled "An act regulating the fees of officers and providing penalties for its violation,

repealing certain acts therein named, and providing duties to be performed by State, county and township officers, and matters properly connected therewith," approved March 8th, 1873.

Was read a second time by title, and referred to the Committee on Fees and Salaries.

Senate Bill No. 48. An act concerning election and organization of Boards of School Trustees, to repeal all laws in conflict therewith, and declaring an emergency.

Was read a second time by title, and referred to the Committee on Education.

Senate Bill No. 49. An act requiring officers to account for interests.

Was read a second time by title, and referred to the Committee on Fees and Salaries.

Senate Bill No. 50. An act to provide for the incorporation of any public or private cemetery already laid out and recorded, where any of the lots therein are occupied for the burial of the dead, and to provide for its maintenance, improvement and addition thereto the collection of assessments made thereon, and the election of officers for its government.

Was read a second time by title, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Senate Bill No. 43. A bill to amend the 657th section of an act, approved June 18, 1852, and entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity."

Was read a second time by title, and referred to the Committee on Judiciary.

Senate Bill No. 52. A bill for an act to amend the fourth and ninth sections of an act entitled "An act for the incorporation and

continuance of building, loan fund and savings association," approved March 5th, 1857, to legalize certain contracts made by such associations and declaring an emergency.

Was read a second time by title and referred to the Committee on Corporations.

Mr. Boone offered the following :

WHEREAS, Experience and practice have shown that the criminal business in the Circuit Courts as now organized in the State is seriously detrimental to the prompt transaction of civil business, subjecting parties to ruinous delays, extravagant and useless costs as well as the demoralization or denial of justice in many cases; that in the judgment of many this joint jurisdiction tends to increase the county expenses in a large degree without any corresponding return in the way of public justice but the contrary thereof; therefore,

Resolved, That the Committee on the Organization of Courts be and they are hereby instructed to inquire into the expediency of dividing the State into criminal circuits, and establishing Criminal Courts therein, with the criminal jurisdiction now held by the Circuit Courts, providing for the appointment of Judges of such courts, allowing all the Criminal Circuit Courts now established in this State to constitute a part of new circuits, and the Judges and the Prosecuting Attorneys thereof, and the Circuit Prosecuting Attorneys, to assume the duties of their respective offices in the circuits wherein they reside respectively, that the said criminal circuits be made of such size as will insure a liberal amount of business to each Judge and Prosecuting Attorney, to the end that justice shall be administered freely and without purchase, completely and without denial, speedily and without delay; *Provided*, That when changes of venue are taken from the Criminal Judge the cause may be tried by any Judge of Civil Circuit Court, and that Criminal Judges may try cases changed from a Judge of any Civil Circuit Court in like manner.

Amend the act of March 7, 1873, relating to the order of business in the Circuit Courts so as to require the Judges, when a cause is at issue, to require the parties then to elect whether they will try by the Court or Jury, if by the jury to set the same down for one day or more especially set apart for jury trials, and so amongst all

such trials that they may be disposed of in succession and the jury discharged, so that the jury shall not be required to remain for three or four weeks without business; *Provided*, a like rule in criminal cases that when the defendant pleads not guilty to the indictment he shall elect whether or not he will waive his right to be tried by a jury, and so of the State, and that they report by bill or otherwise.

Mr. Bell moved to amend by adding: "And further, that said committee inquire into the expediency of establishing a Surrogate system for the disposition of probate business, the Judges of such courts to be paid from fees taxed on such cases, to be paid by parties to the proceedings, to be their own clerks and to certify to the Circuit Courts for determination, disputed questions of law and fact, upon demand of the party aggrieved by the decision of such Surrogate."

Mr. Sleeth moved to amend the amendment by adding: "And further, that such Surrogate Judge be ex-officio President of the Board of Commissioners."

The question being on the adoption of the amendment to the amendment.

It was agreed to.

The question being on the adoption of the amendment as amended.

Mr. Rhodes moved the resolution and amendments do lie upon the table.

Messrs. Givan and Johnson of Floyd demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Bowman, Bunyan, Cardwell, Cree, Culbertson, Daggy, Friedley of Lawrence, Friedley of Scott, Givan, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Humphries, Major, Maxwell, Oliver, Rhodes, Skinner, Slater, Thompson, Tobin, Underwood and Winterbotham—28.

Those who voted in the negative were,

Messrs. Bell, Boone, Chapman, Davidson, Gooding, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Neff, Peed, Ringo, Sarnighausen, Scott, Sleeth, Smith, Stockslager and Wilson—18.

So the motion was agreed to.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed Senate Bill No. 33, entitled "An act appropriating \$125,000 to defray the expenses of the Forty-ninth General Assembly of the State of Indiana," and the same is herewith returned to the Senate.

The President announced as the committee to confer with the ministers in reference to opening the session of the Senate with prayer, Messrs. Friedley of Scott, Thompson and Smith.

Mr. Wilson offered the following resolution:

Resolved, That three thousand copies of the Governor's Message, read to the present General Assembly, be printed for the use of the members of the Senate and one thousand be printed in the German language.

Which was adopted.

On motion of Mr. Neff, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

The President laid before the Senate a memorial on the subject of the improvement of the Ohio River and its tributaries.

Mr. Gooding, from the Committee on Rules, made the following report :

MR. PRESIDENT :

The Committee on Permanent Rules for the government of the Senate, beg leave to report that they have had under consideration the matter referred to them, and recommend the adoption of the rules governing the last session of the Senate, with this amendment : Amend rule No. 38 to read as follows : The first reading of a bill shall be for information, and if opposition be made to it, question shall be, shall the bill be rejected, if no opposition made, or the question to reject is negatived, the bill shall then, if no motion be made to the contrary, be committed to a regular select committee.

Which report was concurred in.

Mr. Smith moved that one hundred and fifty copies of the Constitution of the State, Rules and Committees be printed.

Which was agreed to by unanimous consent.

The consideration of the resolution of Mr. Freidley of Lawrence was resumed.

Mr. Harney offered the following amendment :

Amend by striking out one "director" for State Prison, South and insert "two directors for State Prison, South, the first to succeed B. F. Hill, and the second to succeed John Kirk."

Mr. Friedley of Lawrence moved to lay the amendment on the table.

Messrs. Harney and Givan demanded the ayes and noes.

The ayes and noes being taken,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, Major, Oliver, Neff, Rhodes, Roe, Sleeth, Tobin and Underwood—23.

Those who voted in the negative were,

Messrs. Bell, Boone, Bowman, Culbertson, Daggy, Davidson, Dykeman, Givan, Grove, Harney, Hendricks, Humphries, Johnston of Floyd, LaRue, Maxwell, Peed, Ringo, Sarnighausen, Scott, Skinner, Slater, Smith, Stockslager, Thompson and Wilson—25.

So the motion was not agreed to.

Mr. Smith moved to refer the resolution to Messrs. Harney, LaRue and Sleeth.

Which was agreed to.

Mr. Bunyan offered the following resolution :

Resolved, That the President of the Senate appoint a committee of three on mileage accounts of members of the Senate.

Which was adopted.

Whereupon the President appointed the following committee :

Messrs. Bunyan, Cardwell and Harney.

Mr. Sleeth introduced

Senate Bill No. 62. A bill to amend section seventy-seven of an act entitled "An act to revise, simplify and abridge the rules, practice and pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and referred to the Committee on Judiciary.

Mr. Hough introduced

Senate Bill No. 63. An act empowering the Board of Trustees of any incorporated town in this State by ordinance, to prohibit the sale, bartering, or giving away of intoxicating liquors within corporate limits of said town, to be drank upon the premises or appurtenances to the premises whereon sold, by any person without a license

or permit thereunto authorizing him, first obtained by grant of and issued upon the direction of such Board, and to prescribe the notice and conditions upon which such license or permit shall be applied for and granted, and to fix a penalty for the violation of such ordinance, and making all fees received for licenses or permits issued under such ordinance, and all penalties collected for violations of such ordinance a part of the tuition fund of the common schools of the town in which such ordinance is obtained, and providing for the collection of the penalties for violations of such ordinances by civil action in the Circuit Court of the county in which the town is situated, and declaring an emergency.

Mr. Johnston offered the following :

WHEREAS, The Secretary of State has on hand printed letter heads for the use of members of the General Assembly, the same having been purchased for the use of the former members of the General Assembly ;

AND WHEREAS, the same has been paid for by the State, and is entirely worthless for any purpose except that for which the same was printed,

Therefore be it Resolved, That the Secretary of State, be and is hereby instructed to distribute to the members of the Senate, such an amount of said stationery as he may have on hand for distribution to them.

Mr. Smith moved the resolution lie on the table.

Which was not agreed to.

The question recurring upon the passage of the resolution.

Messrs. Smith and Gooding demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bell, Chapman, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Oliver, Skinner, Sleeth, Thompson, Tobin, Underwood and Wilson—26.

Those voting in the negative were,

Messrs. Baxter, Bearss, Boone, Bowman, Bunyan, Cardwell, Cree, Haworth, Hough, Maxwell, Neff, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Slater, Smith, Stockslager and Winterbotham—21.

So the resolution was adopted.

Mr. Gooding introduced

Senate Bill No. 64. An act to hold principals responsible for injuries happening to their employes by the negligence or incapacity of co-employes in the same line of employment.

Was read a first time and referred to the Committee on Judiciary.

Mr. Rhodes introduced

Senate Bill No. 65. A bill to prevent injuries to buggies, carriages, and other vehicles at religious meetings and other public gatherings.

Was read a first time and referred to the Committee on Judiciary.

Mr. Ringo offered the following concurrent resolution :

WHEREAS, A most respectful application has been made by the officers of the "Women's Christian Temperance Union" of this State, praying that this General Assembly will grant them an audience of one and a half hours for the presentation to this General Assembly of petitions, and for addresses by Mrs. ex-Governor Wallace, of Indianapolis, and Mrs. Julia Avaline, of Fort Wayne ; therefore,

Be it Resolved by the Senate, the House concurring therein, That from 3:30 to 5:00 o'clock, p. m., on Thursday, January 21, be set apart for that purpose.

Mr. Bell moved that the resolution do lie upon the table.

Messrs. Friedley of Lawrence and Hough demanded the ayes and noes.

The ayes and noes being taken,

Those voting in the affirmative were,

Messrs. Bell, Cree, Culbertson, Givans, Grove, Sarnighausen, Skinner, Slater, Smith and Winterbotham—10.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Cardwell, Chapman, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Harney, Haworth, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Scott, Stockslager, Thompson, Tobin, Underwood and Wilson—38.

So the motion was not agreed to.

The question then recurring on the adoption of the resolution, it was agreed to.

Mr. Major introduced

Senate Bill No. 66. An act regulating the fees of officers, and providing penalties for its violation, repealing certain acts therein named and providing duties to be performed by State, county and township officers, and matters properly connected therewith.

Was read a first time and referred to the Committee on Fees and Salaries.

Mr. Givan introduced

Senate Bill No. 67. An act to repeal section fifty-five of an act entitled "An act to amend an act to authorize and regulate the business of general banking," passed March 3, 1855.

Was read a first time and referred to the Committee on Banks.

Mr. Johnston of Parke introduced

Senate Bill No. 68. A bill amendatory and supplemental to an act entitled "An act providing for voluntary assignment of personal

and real property in trust for the benefit of creditors, and regulating the mode of administering the same," approved March 5, 1859, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

The Doorkeeper submitted the following report :

MR. PRESIDENT :

I have the honor to report that the Indianapolis Sentinel and Journal Companies have agreed to furnish copies of their paper laid upon the desks of the Senators at twenty cents per copy per week. They further agreed to furnish said papers stamped and folded for two cents per copy extra to above price.

E. H. MENEFFEE,

Doorkeeper.

On motion by Mr. Beardsley, the Senate adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING.

JANUARY 13, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

Journal of yesterday read and approved.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the House has concurred with the Senate in the passage of the following resolution :

WHEREAS, A most respectful application has been made by the officers of the Women's Christian Temperance Union of the State praying that this General Assembly will grant them an audience of one and a half hours for the presentation to this General Assembly of petitions and for addresses by Mrs. Governor Wallace, of Indianapolis, and Mrs. Jennie Avaline of Fort Wayne ; therefore,

Be it Resolved by the Senate, the House concurring therein, That from 3½ to 5 o'clock, p. m., on Thursday, January 21, set apart for that purpose, and the same is herewith returned to the Senate.

I am further instructed by the Speaker of the House to inform the Senate that the House has passed the following joint resolution, and the same is herewith transmitted for the action of the Senate.

Joint Resolution No. 1. House Joint Resolution of the Senate and House of Representatives on the subject of the military usurpation in Louisiana :

WHEREAS, The appalling news has reached us that the House of Representatives of the State of Louisiana, after it had been duly organized and the election and qualification of its members had been according to the State Constitution passed on by the body, has been entered by armed soldiers under the command of the President of the United States, who dragged a part of the members from their seats and forcibly broke up the organization of the Assembly ; and

WHEREAS, Such acts are not only unlawful and tyrannical but are a gross and unwarranted violation of the sovereign rights of a State, and they should be branded as infamous by every lover of Constitutional liberty ; therefore,

Resolved by the Senate and House of Representatives, That we do most solemnly protest against the crime perpetrated by the military power against a sovereign State and do instruct our Senators and Representatives in Congress to immediately take such steps as will speedily restore to Louisiana her outraged sovereignty, and not only this but will effectually stop the perpetrators of this great crime against liberty and law from a further repetition of their infamous acts.

Mr. Scott introduced the following :

Senate Joint Resolution No. 3. A Joint Resolution to make temporary provisions for the public printing.

Was read a first time.

Mr. Scott moved that the Constitutional rule requiring bills to be read on three several days be suspended and that Senate Joint Resolution No. 3 may be read a second time by title and a third time by sections now.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunn-
yan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson,
Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Good-
ing, Grove, Hackleman, Harney, Haworth, Hendricks, Hough,
Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue,
Maxwell, Neff, Oliver, Peed, Ringo, Roe, Sarnighausen, Scott,
Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin,
Underwood, Wilson and Winterbotham—46.

No one voting in the negative.

So the Constitutional rule was suspended.

Senate Joint Resolution No. 3. A Joint Resolution to make temporary provisions for the public printing.

Was read a second time by title, considered engrossed and read a third time now.

The question being, shall the Joint Resolution pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunn-
yan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson,

Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—47.

No one voting in the negative.

So the Joint Resolution passed.

The question being, shall the title read stand as the title of the Joint Resolution?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the Joint Resolution.

Mr. Skinner from the Special Committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred the matter of reporting a bill fixing fees and perquisites of members, respectfully ask to be discharged, and recommend that such duty be referred to the Committee on Fees and Salaries.

The report was concurred in.

Mr. Sleeth offered the following resolution:

Resolved, That the Auditor of State be and he is hereby requested to furnish the Senate at his earliest convenience a statement of the number of certificates of authority issued by him to the agents of insurance companies not incorporated under the laws of the State of Indiana, from the first day of January, 1873 up to and including the 31st day of December, 1874.

Also, the entire amount of fees received by that officer during the same period on account of foreign insurance companies.

Which was adopted.

Mr. Daggy offered the following resolution :

Resolved, That Senators be requested in writing title to bills introduced to be as brief as possible and not encumber the Record with lengthy titles, words and phrases that are useless.

Mr. Smith moved that the resolution lie on the table.

Which was agreed to.

Mr. Bunyan introduced

Senate Bill No. 69. A bill compelling railroad corporations to fence their tracks and providing penalties for the violation thereof.

Was read a first time and referred to the Committee on Railroads.

Mr. Sarnighausen introduced

Senate Bill No. 70. An act in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Haworth introduced

Senate Bill No. 71. A bill to amend an act providing for the protection of fish, repealing all laws in conflict with the same, prescribing penalties for the violation thereof, approved February 22, 1871.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Sleeth introduced

Senate Bill No. 72. An act to amend section three of an act entitled "An act to render taxation for common school purposes uniform, and to provide for the education of colored children of this State," approved May 13th, 1869.

Was read a first time and referred to the Committee on Education.

Mr. Oliver introduced

Senate Bill No. 73. A bill to authorize husband and wife to testify for or against each other in any civil or criminal judicial proceedings concerning any fact that any other competent witness might testify to and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Cardwell introduced

Senate Bill No. 74. An act fixing the salaries of certain officers therein named, providing penalties for violating their duties and repealing all laws inconsistent therewith.

Was read a first time and referred to the Committee on Fees and Salaries.

Mr. Friedley introduced

Senate Bill No. 75. A bill to establish city courts in cities not being county seats, and having a population of over five thousand inhabitants, defining their jurisdiction and the mode of procedure therein.

Was read a first time and referred to the Committee on the Organization of Courts.

The President announced that he had signed Senate Enrolled Act No. 33. An act appropriating \$125,000 to defray the expenses of the Forty-ninth Regular Session of the General Assembly of the State of Indiana.

Mr. Wilson introduced

Senate Bill No. 76. An act to amend section eight of an act entitled "An act concerning real property and the alienation thereof," approved May 6th, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Humphries introduced

Senate Bill No. 77. A bill to provide for the trial of certain cases in which changes of venue are granted.

Was read a first time and referred to the Committee on Judiciary.

Mr. Humphries introduced

Senate Bill No. 78. A bill to repeal an act entitled "An act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1867, and providing that nothing in this act shall be so constructed as to conflict with the provisions of an act entitled 'an act for the protection of sheep,' " approved June 15th, 1852, approved March 2, 1865.

And providing that the repeal of said act shall not revise any law repealed by said act.

Was read a first time and referred to the Committee on Agriculture.

Mr. Bell introduced

Senate Bill No. 79. A bill to provide for the inspection of all coal or petroleum oils, or burning fluids, for illuminating purposes, marking and branding the same, prescribing penalties for selling without inspection or for falsely branding the cask, package or barrel containing the same, or for violating any of the provisions of this act; for the appointment of inspectors and deputies, prescribing duties and terms of office and imposing penalties for inspectors or deputies trading in any articles they are appointed to inspect.

Was read a first time and referred to the Committee on Insurance.

The President laid before the Senate the following :

OFFICE OF AUDITOR OF STATE,

January 12, 1875.

HON. LEONIDAS SEXTON,

President of the Senate :

SIR: In compliance with a resolution passed by the Senate, Friday, January 8, in relation to costs of Brevier's Reports, I have the honor to submit the following.

The records of this office show Brevier Reports have been furnished from 1865 to 1873, are as follows :

1865, 1,536 copies.....	\$4,377 60
1866, 1,500 copies, (Special Sec. 1865,)	2,920 00
1867, 1,500 copies.....	4,760 00
1869, 1,750 copies.....	4,946 66
1871, 1,750 copies	6,589 40
1872, 1,750 copies.....	4,853 33
1873, 1,750 copies.....	7,810 36

The bills rendered appear to be for the reports ready for binding, the costs of which in addition to the above can not be ascertained without making extended examination of vouchers rendered for public printing. I have no means of knowing how or by whom the paper was furnished. An accurate exhibit of the cost of the reports previous to 1865 can not be made without a laborious examination of vouchers accumulated during the time named.

Respectfully,

JAMES A. WILDMAN,

Auditor of State.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Act No. 33, the same having originated in the Senate and the same is herewith returned.

BILLS ON SECOND READING.

Senate Bill No. 51. A bill to repeal section 2 of an act entitled "An act to amend an act entitled 'An act to provide a general system of common schools, the officers thereof, and their respective power and duties, and matters properly connected therewith, etc.," approved March 6, 1875, and adding supplemental sections thereto, approved March 8, 1873.

Was read a second time by title and referred to the Committee on Education.

Senate Bill No. 58. A bill to amend section 3 of an act entitled "An act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate and contest thereof," approved May 31, 1852.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 57. A bill providing for the protection of fish, defining the time in which they may be trapped, netted or seined, affixing the penalty for violation of the same, and declaring an emergency, approved March 9, 1867.

Was read a second time by title and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Senate Bill No. 61. An act to amend section 5 of an act entitled "An act touching the marriage relation and liabilities incident thereto," approved May 1, 1852.

Was read a second time by title and referred to Committee on Judiciary.

Senate Bill No. 60. A bill defining the liabilities of infants and persons contracting with infants of certain ages, and declaring an emergency.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 59. A bill to amend section 29 of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.

Was read a second time by title and referred to the Committee on Roads.

Senate Bill No. 55. A bill to amend section No. 16 of an act concerning real property and the alienation thereof, approved May 6, 1852.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 53. An act to amend section 5 of an act entitled "An act to amend the 18th, 24th, 25th and 26th sections of an act entitled 'an act regulating descents and the apportionment of estates,'" approved May 14, 1852, and adding a supplemental section to said act, approved March 4, 1853.

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 54. A bill to amend an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases."

Was read a second time by title and referred to the Committee on Judiciary.

Senate Bill No. 56. A bill to amend the first section of an act entitled "An act to prevent the introduction and spread in this State of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing of the same at certain seasons of the year a misdemeanor, and prescribing the penalty therefor," approved February 10, 1869, and declaring an emergency.

Was read a second time by title and referred to the Committee on Agriculture.

Mr. Bearss moved that the Senate take a recess till 2 o'clock, p. m.

Was agreed to.

AFTERNOON SESSION.

Senate reassembled, President in the chair.

Mr. Friedley of Scott, moved that the Governor's Message be now taken up.

Was agreed to.

Mr. Boone moved that the Senate go into Committee of the Whole for the consideration of the Governor's Message.

Was agreed to and the Senate went into Committee of the Whole, Senator Boone in the chair.

The Committee rose and the Chairman reported as follows :

MR. PRESIDENT :

The committee of the whole Senate has instructed me to report that they recommend that the Governor's Message be referred as follows : That portion referring to education to the Committee on Education.

That portion referring to federal relations and the Centennial, to the Committee on Federal Relations.

That portion referring to the judiciary, to the Committee on Judiciary.

That portion referring to domestic affairs, to the Committee on Rights and Privileges of the Inhabitants of the State.

That portion referring to printing, to the Committee on Printing.

That part referring to Temperance, to the Committee on Temperance.

That part referring to agriculture, to the Committee on Agriculture.

That part referring to reformatory institutions, to the Committee on Benevolent Institutions.

That part referring to swamp lands, to the Committee on Swamp Lands.

That part referring to canals, to the Committee on Canals.

That part referring to finance, to the Committee on Finance.

That part referring to railroads, to the Committee on Railroads.

That part to military affairs, to the Committee on Military Affairs.

That part referring to Purdue University, to the Committee on Agriculture.

That part referring to Tippecanoe Battle Ground, to the Committee on Federal Relations.

That part referring to prisons (North and South), to the Committee on Prisons.

That part referring to apportionment, to the Committee on Judiciary.

That part referring to immigration and statistics, to the Committee on Immigration and Statistics.

That part referring to the State House, to the Committee on Public Buildings.

Mr. Stockslager introduced

Senate Bill No. 80. A bill to amend Section 1 of an act entitled "An act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7, 1852, and to amend an act entitled "An act to provide for township elections, approved June 15, 1852, and to fill vacancies in office occasioned by the provisions of this act, and to repeal all laws in conflict therewith, and declaring an emergency," approved April 6, 1869.

Was read a first time and referred to the Committee on Judiciary.

Mr. Chapman introduced

Senate Bill No. 81. A bill to transfer from the office of the Auditor of State to the general fund of the treasury certain sums of money held for free banks that have suspended or been wound up, and making other provisions in relation thereto.

Was read a first time and referred to the Committee on Finance.

Mr. Harney moved to reconsider the vote whereby Senate Bill No. 80 was referred to the Committee on Judiciary.

Which was not agreed to.

On motion of Mr. Harney the Senate adjourned until 10 o'clock to-morrow morning.

LEONIDAS SEXTON,

President.

THURSDAY MORNING.

JANUARY 14, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. Dr. Nutt of the State University.

Journal of yesterday read and approved.

Mr. Ringo presented a number of petitions on the subject of temperance.

Was read and referred to the Committee on Temperance.

Mr. Bunyan from the Committee on Mileage, made the following report :

MR. PRESIDENT :

The Committee on Mileage find that members of the Senate are entitled to mileage as follows :

Baxter.	138 miles.
Beardsley.....	394 miles.
Bearss.....	150 miles.
Bell.....	240 miles.

Boone	56 miles.
Bowman	276 miles.
Bunyan	300 miles.
Cardwell	52 miles.
Chapman	300 miles.
Cree	100 miles.
Culbertson	200 miles.
Daggy	80 miles.
Davidson	302 miles.
Dykeman	140 miles.
Friedley of Lawrence	210 miles.
Friedley of Scott	172 miles.
Givans	180 miles.
Gooding	366 miles.
Grove	84 miles.
Hackleman	180 miles.
Harney	110 miles.
Haworth	150 miles.
Henderson	350 miles.
Hendricks	278 miles.
Hough	42 miles.
Howard	368 miles.
Humphries	200 miles.
Johnston of Parke	200 miles.
Johnson of Floyd	238 miles.
LaRue	130 miles.
Major	208 miles.
Maxwell	70 miles.
Neff	150 miles.
Oliver	
Peed	262 miles.
Rhodes	183 miles.
Ringo	130 miles.
Roe	172 miles.
Sarnighausen	240 miles.
Scott	150 miles.
Skinner	300 miles.
Slater	40 miles.
Sleeth	80 miles.
Smith	196 miles.
Stockslager	264 miles.

Thompson.....	
Tobin	440 miles.
Underwood	190 miles.
Wilson	200 miles.
Winterbotham.....	322 miles.
Mr. President.....	80 miles.

Which was concurred in.

Mr. Johnston of Parke, Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills respectfully report that they have this day, presented to the Governor, for his signature, the following Enrolled Act, to wit :

Enrolled Act No. 33 of the Senate entitled "An act appropriating \$125,000 to defray the expenses of the Forty-ninth Regular Session of the General Assembly of the State of Indiana."

Mr. Sleeth from the Select Committee made the following report :

MR. PRESIDENT :

Your Special Committee to whom was referred the matter of procuring a suitable number of rooms and furnishing the same for the use of the Standing Committees of the Senate during the present session have instructed me to report to the Senate that your Committee have procured for that purpose six suitable rooms in the Franklin Life Insurance Building, on the corner of Illinois street and Kentucky Avenue.

They have also had the same provided with the necessary furniture for the use of the Committees.

The agreed rents of the six rooms for two months is \$165.00. The cost of furniture purchased, including two stoves will not exceed \$150.00 making the entire cost of the six rooms for the Senate Standing Committees, (not however including lights and fuel,) less than three hundred and fifteen dollars. The furniture in said rooms will of course be the property of the State, at the close of the session. Your Committee have also made the following assignments

of said rooms as in their judgment the most equal and convenient for the members of the various committees:

Room No. 3 assigned to the Committee on Corporations, Insurance, Rights and Privileges, Prisons and Swamp Lands.

Room No. 4, to the Committees on Judiciary, on Banks, on Public Buildings and on Reformatory Institutions.

Room No. 9, to the Committees on Finance, on Claims, on Railroads and on Manufactures.

Room No. 11, to the Committees on Fees and Salaries, on Organization of Courts, on Roads, on Immigration and Statistics and on Mines and Mining.

Room No. 13, to the Committees on Election, on Education, on Temperance and on Agriculture.

Room No. 19, to the remainder of the Standing Committees of the Senate, to Special Committees and to the use of any committee of the Senate when the assigned room is not occupied by another committee, which room is entitled "Miscellaneous," and your committee further report that said rooms are now all warmed, and lighted and ready for occupancy and are the most convenient and comfortable that could be procured at a like reasonable price.

Which was concurred in.

Mr. Sleeth introduced

Senate Bill No. 82. A bill to vest in the assignees of the branches of the Bank of the State of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said bank, the possession, collection and enjoyment of the assets so assigned, and to have legal process and to give acquittances in their own names and to secure to them other rights.

Was read a first time and referred to the Committee on Banks.

Mr. Johnston of Parke, introduced

Senate Bill No. 83. A bill to provide against intoxication on the part of public officers, and providing for the removal of officers.

Was read a first time and referred to the Committee on Judiciary.

Mr. Haworth introduced

Senate Bill No. 84. A bill to repeal section 55 of an act to amend an act entitled "An act to authorize and regulate the business of general banking," approved March 3, 1855, and providing for turning into the general fund certain funds therein named, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Peed introduced

Senate Bill No. 85. A bill to prevent exorbitant charges for, and unjust discrimination in, the transportation of freight by railroad companies and other common carriers, and to provide a remedy when such extortions or discriminations are practiced.

Was read a first time and referred to the Committee on Railroads.

Mr. Cardwell introduced

Senate Bill No. 86. A bill to fix the salaries of the judges of the Supreme Court, Superior and Criminal Circuit Courts of this State, and to provide for the time and manner of payment.

Was read a first time and referred to the Committee on Fees and Salaries.

Mr. Dykeman introduced

Senate Bill No. 87. A bill for the construction of fish ladders.

Was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Scott introduced

Senate Bill No. 88. A bill to provide for the recording of sheriff's certificates in certain cases and providing payment for the same, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

The Secretary of State presented the papers pertaining to the contested election cases of Mr. Baxter and Mr. LaRue.

Mr. LaRue introduced

Senate Bill No. 89. A bill for the organization of campmeeting associations, and providing for the government and management thereof.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Bearss introduced

Senate Bill No. 90. A bill to limit the powers of County Boards in appropriations of sums exceeding \$5,000 in cases where it is proposed to construct new public buildings or repair those already built or to construct new bridges, or the repairs thereof, and requiring a vote of the county in favor of such appropriation before the same shall be made. To amend the sixteenth section of an act entitled "An act providing for the organization of County Boards and prescribing some of their powers and duties," approved June 17, 1852, repealing certain laws contravening this act and declaring an emergency.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Wilson introduced

Senate Bill No. 91. A bill to amend Section 9 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto.

Was read a first time and referred to the Committee on Education.

Mr. Thompson introduced

Senate Bill No. 92. A bill supplemental to an act entitled "An act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical, and building purposes," approved May 20, 1852, and providing for the incorporation of companies to buy and sell dry goods, carpets, boots and shoes, millinery goods, fancy goods and jewelry, March 11, 1867.

Was read a first time and referred to the Committee on Corporations.

Mr. Roe introduced

Senate Bill No. 93. A bill to repeal an act entitled "An act to enable counties bordering on the State lines or rivers forming State boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties in other States to run to such counties, or to the State boundary bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid," approved December 14, 1872.

Was read a first time and referred to the Committee on Railroads.

Mr. Givan introduced

Senate Bill No. 94. A bill to regulate the sale of proprietary medicines.

Was read a first time accompanied by a memorial from the Dearborn Medical Society on the same subject. Bill and memorial referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Oliver introduced

Senate Bill No. 95. An act in relation to the laying out, opening, widening, altering and vacation of streets, alleys, and highways, and for straightening or altering of water courses by the cities of this State, and providing for the appointment of Commissioners to assess benefits and damages, prescribing their duties and

the method of procedure, and providing for the collection of benefits and payments of damages, and prescribing the duties of city officers in relation thereto, and providing remedies in such matters.

Was read a first time and referred to the Committee on Corporations.

Mr. Hough introduced

Senate Bill No. 96. A bill concerning the sale of real estate of married men upon or by virtue of judgments or decrees of the courts of this State in which their wives are not parties defendant, and thereby bound, prescribing the rights of such wives in such real estate, and the line of descent thereof upon certain conditions therein mentioned, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Stockslager introduced

Senate Bill No. 97. A bill defining who shall be competent witnesses in any court or judicial proceedings in this State, to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Harney moved that the papers relating to contested seats of Mr. Baxter and Mr. LaRue be referred to the Committee on Elections.

Was agreed to and the papers were so referred.

Mr. Friedley of Scott introduced

Senate Bill No. 98. A bill to amend Section 40 of an act entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash Rivers," approved June 7, 1852, and declaring an emergency.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Baxter introduced

Senate Bill No. 99. A bill to amend an act entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of courts incidental thereto, and repealing all laws conflicting with this act and declaring an emergency," approved March 10, 1873, and providing that the parties in divorce suits may in certain cases be witnesses.

Was read a first time and referred to the Committee on Judiciary.

On motion, by Mr. Neff, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate reassembled, President in the chair.

Mr. Bell introduced

Senate Bill No. 100. A bill in relation to orders issued by cities upon their premises, and providing for the presentation, redemption and order of payment of the same.

Was read a first time and referred to the Committee on Judiciary.

Mr. Thompson introduced

Senate Bill No. 101. A bill empowering the Auditor of State to correct errors heretofore made by that officer in selling and conveying lands forfeited to the sinking fund by making proper deeds therefor, declaring the effect of such deeds, and for other purposes.

Was read a first time and referred to the Committee on Judiciary.

Mr. Neff offered the following resolution :

Resolved, That the Committee on Temperance be instructed that in the preparation of a bill for the regulation of the sale of intoxicating liquors among others, the feature of local option shall be embraced therein.

Mr. Boone demanded a call of the Senate, when the following Senators answered to their names :

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries; Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham.

Leave of absence was granted Mr. Skinner until next Tuesday, and indefinite leave to Mr. Rhodes, and to Mr. Winterbotham until Monday evening next.

Mr. Boone moved to postpone the further consideration of Mr. Neff's resolution until next Monday.

Mr. Bell moved to amend by making it the special order for Wednesday next at 2 o'clock p. m.

Which was agreed to.

The motion as amended was then agreed to.

Mr. Daggy offered the following:

Resolved, That the Chairman of the Senate Committees shall be, and they are hereby, authorized to draw from the Secretary of State stationery for the use of their said several committees, and also the revised statutes, laws of special and general sessions of 1872 and 1873, the stationery to be for the use of the committees only,

and the said statute and laws to be left in the committee rooms at the close of the session with the furniture of said rooms.

Which was adopted.

Mr. Friedley of Lawrence, presented a petition from citizens of Lawrence county, on the subject of salaries, extending jurisdiction of justices of the peace, abolishing attorney's fees on notes, limiting the power of county commissioners in the assessment of taxes, requiring plaintiffs in suits to give bond for costs, to repeal present appraisement laws, etc.

Was referred to the Committee on Fees and Salaries.

On motion of Mr. Sleeth, the Senate adjourned until to-morrow morning at 10 o'clock.

LEONIDAS SEXTON,

President.

FRIDAY MORNING.

JANUARY 15, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. Dr. Dean.

The Journal of yesterday was read and approved.

The President laid before the Senate a memorial from the National Board of Trade, asking the enactment of a law providing that five or more persons associated for the prosecution of any lawful business may form themselves into an incorporated company, etc.

Was referred to the Committee on Judiciary.

Also, a memorial on the subject of requiring persons doing or

carrying on business under a firm name to register with the county clerk the names of such firm, etc.

Was referred to the Committee on Judiciary.

Also, a memorial on the subject of transportation by railroad.

Was referred to the Committee on Railroads.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 68, a bill amendatory and supplemental to an act entitled "An act providing for the voluntary assignment of personal and real property in trust for the benefit of creditors and regulating the mode of administering the same," approved March 5, 1859, and declaring an emergency, have had the same under consideration and directed me to report the same back to the Senate with the following amendments, to-wit :

Amend by striking out of the first line of third page the words "upon petition of such Trustee and."

And also amend by striking out of the fifth and sixth lines of third page the words "upon petition of such Trustee and."

And when so amended they recommend its passage.

Which was concurred in.

Mr. Boone, from the Committee on Agriculture, made the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate Bill No. 56, a bill to amend the first section of an act to prevent the introduction and spread, in this State, of the Texas or Spanish Cattle Fever and declaring the bringing of "Texas or Cherokee cattle into this State, or the purchasing of the same at certain seasons of the

year a misdemeanor, and prescribing the penalty therefor," approved February 10, 1869, and declaring an emergency, have had the same under consideration and direct me to report the same back to the Senate with the following amendment :

Before the word "any," line 23, page 1, insert the words "Sec. 1."

And when so amended recommend its passage.

Which was concurred in.

Mr. LaRue, from a Select Committee on the Prison, South, made the following report :

MR. PRESIDENT :

The Committee directed by the Senate to ascertain the number of Directors for the State Prison, South, to be elected by this General Assembly, have to report that they have examined the laws on that subject and the decision construing them, and that two vacancies should have occurred in the Board of Directors of said Prison, to be filled by this Legislature, but that there is great doubt thrown upon this matter and the proper disposition to be made of it by the action of the Legislature of 1873.

In 1873 two Directors of said Prison were to be chosen, one for a full term of four years and to succeed W. W. Curry who had been elected in 1869, and one for two years to succeed Robert S. Heiskell, who had been appointed to fill a vacancy created by the ineligibility of Levi Sparks, who had been elected in 1871, that two Directors were chosen in 1873, but which to succeed Curry and which Heiskell is the question in doubt.

The Senate Journal, 1873, on page 35, has the following entry in regard to this matter:

"Nominations for Directors of the State Prison, South, being in order, Mr. Kimball put in nomination for that office B. F. Hill to succeed Robert S. Heiskell," and on page 36 "Mr. Kimball put in nomination A. L. Munson to succeed W. W. Curry."

On the other hand the House Journal of the same session stating the same transaction, is as follows:

"Mr. Kimball nominated Benjamin F. Hill for office of Director of the State Prison, South, to succeed W. W. Curry," House Journal, 1873, page 51, and on page 52 "Mr. Kimball nominated A. L. Munson for the office of Director of the State Prison, South, to succeed R. S. Heiskell," and the entry of the declaration of the election of each House is consistent with the entry of the nominations.

Mr. Smith moved to re-commit the report, with instructions, to the committee to report a bill concerning the case.

Mr. Harney offered the following amendment :

Amend by inserting "electing two Directors to State Prison, South, one to succeed John Kirk, another to succeed to vacancy that may occur.

Which was agreed to.

The question recurring on the motion of Mr. Smith.

It was agreed to.

Message from the Governor by his Private Secretary :

MR. PRESIDENT :

By direction of the Governor, I have the honor to inform the Senate that his Excellency has approved and signed Senate Enrolled Act No. 33, an act appropriating one hundred and twenty-five thousand dollars to defray the expenses of the Forty-ninth Regular Session of the General Assembly of the State of Indiana.

Message from the Governor by his Private Secretary :

MR. PRESIDENT :

By direction of the Governor, I have the honor to transmit herewith, a communication from his Excellency, accompanied by a copy of a report of the Lake Shore and Michigan Southern Railway Company, made to him :

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, January 15, 1875.

Gentlemen of the Senate:

I herewith lay before the Senate, a copy of a report made to me by the Lake Shore and Michigan Southern Railway Company, in obedience to a concurrent resolution asking the same, passed by the General Assembly at its last regular session, and transmitted by me to the President of the Company.

THOMAS A. HENDRICKS,

Governor.

LAKE SHORE AND MICHIGAN SOUTHERN RAILWAY,

CLEVELAND, OHIO, December 11th, 1874.

To His Excellency, The Governor of Indiana:

SIR:—In accordance with a resolution of the Legislature of Indiana, this Company respectfully reports: That we succeeded the late Michigan Southern and Northern Indiana Railroad by consolidation in May, 1869; that the road has earned for its stockholders, after payment of interest, loans, taxes and all other prior obligations, as follows:

For the year 1869.....	8 per cent.
For the year 1870.....	8 per cent.
For the year 1871.....	8 per cent.
For the year 1872.....	8 per cent.
For the year 1873.....	6 per cent.
For the year 1874.....	6 per cent.

Total for six years.....44 per cent.

Being an average of $7\frac{1}{3}$ per cent.

There was in addition to these figures, a small surplus each year, the aggregate of which has been swallowed up by losses sustained by the Company, but which if counted, would not make the average rates earned exceed eight (8) per cent. for the period named.

We have further ascertained, from the published reports of the late Michigan Southern & Northern Indiana Railroad that, from January 1, 1872, to December 31, 1868, a period of seventeen years, the stockholders received dividends amounting in the aggregate to forty-eight per cent., being an average per year for the period named of less than three per cent. per annum.

This period covers the entire existence of the Michigan Southern & Northern Indiana Railroad, from its completion through Indiana, early in 1852, to its consolidation into the Lake Shore & Michigan Southern, in May, 1869.

All of which is respectfully submitted.

A. STONE, JR.,

Managing Director.

C. P. LELAND, Auditor.

Mr. LaRue offered the following resolution :

Resolved, That the Committee on Judiciary be instructed to inquire as to the expediency of enacting a law making sureties of Clerks of Circuit Courts liable on their official bonds, jointly with their principal for moneys paid into court by commissioners in partition and other cases, and for moneys paid to such clerk before execution by debtors in satisfaction of judgments and decrees and by executors or administrators in partial settlements of estates, and that said committee report by bill or otherwise.

Which was adopted.

Mr. Sleeth offered the following resolution :

WHEREAS, Sections 119 and 121 of the Common School Law, approved March 6th, 1865, provides that there shall be elected by the qualified voters of the State, at a general election, a State Superintendent of Public Instruction, whose term of office shall commence on the 15th day of March, next after his election, and continue two years,

AND WHEREAS, At the general election held in October, 1872, Milton B. Hopkins was duly elected to said office, and afterwards on the 15th day of March, 1873, having duly qualified, accepted said

office and entered on the discharge of the duties of the same, and afterwards while still holding said office, on the 16th day of August, 1874, departed this life, and afterwards, viz: on the 20th day of August, 1874, his Excellency the Governor, as appears from his late message to this General Assembly, appointed Alexander C. Hopkins, Esq., his successor for the remainder of his official term, and

WHEREAS, At the general election held on the 13th day of October, 1874, the Hon. J. H. Smart was duly elected to said office, and

WHEREAS, The said Alexander C. Hopkins still holds said office and continues to discharge the duties of the same under the appointment above named, and

WHEREAS, It is proper that the Senate should know who are the lawful and proper State officers, therefore

Resolved, That the Attorney General be requested to furnish to the Senate, at his earliest convenience, his opinion as to the law on the above facts as follows:

First. Had the Governor the power, under existing laws, to appoint Mr. Alexander C. Hopkins to fill the remainder of the official term of his predecessor, or only to fill the vacancy until after the next general election.

Second. Was the Honorable J. H. Smart legally entitled to the office immediately after his election and qualification, and if so would he be entitled to hold the same for the unexpired term of his predecessor only, or for a term of two years from his election. In other words when did or when will his term of office begin?

Third. If the Superintendent elect was entitled to the office immediately upon his election and qualification, can he legally decline to qualify or accept the office until after the commencement of a new term of said office as fixed by the Statute and then take and hold it under his election?

Fourth. What is the legal status of the office above named?

Which was adopted.

Mr. Hackleman offered the following resolution :

Resolved, That the Committee on Elections be instructed to inquire into the expediency of changing the time of electing township officers from the second Tuesday in October to the first Monday in April, or to any other specified time ; also, the propriety of each road district electing its own Supervisor. To report by bill or otherwise.

Which was adopted.

Mr. Gooding introduced

Senate Bill No. 102. A bill to require Township Trustees to levy a tax of fifty cents on each one hundred dollars worth of taxable property, to pay debts incurred for the building of school houses.

Was read a first time and referred to the Committee on Education.

Mr. LaRue introduced

Senate Bill No. 103. A bill to enable administrators appointed by the authority of other States to sell lands in this State to pay debts, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Slater introduced

Senate Bill No. 104. A bill to provide for the speedy collection of money due to laborers for labor performed by them for their employers.

Was read a first time and referred to the Committee on Judiciary.

Mr. Baxter introduced

Senate Bill No. 105. A bill requiring County Auditors to pub-

lish a statement of all the allowances made by the County Commissioners.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Givan introduced

Senate Bill No. 106. An act to authorize incorporated towns to negotiate and sell bonds to procure means with which to complete unfinished buildings for public purposes, and authorizing the levy and collection of an additional special tax for the payment of such bonds.

Was read a first time and referred to the Committee on Corporations.

Mr. Daggy introduced

Senate Bill No. 107. A bill to amend section six of an act regulating the granting of divorces, nullification of marriages and decrees and orders of Courts incident thereto and repealing all laws conflicting with this act and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Sleeth introduced

Senate Bill No. 108. An act to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company."

Which was read a first time and referred to the Committee on Insurance.

Mr. Oliver introduced

Senate Bill No. 109. A bill making it a misdemeanor for any one having a wife, or wife and children, or children, to desert or abandon the same without means of support, and having no just or reasonable causes for such desertion, and prescribing the penalty thereof.

Was read a first time and referred to the Committee on Judiciary.

Mr. Wilson introduced

Senate Bill No. 110. A bill to limit the number of grand and petit jurors in the courts of this State.

Was read a first time and referred to the Committee on Judiciary.

Mr. Major introduced

Senate Bill No. 111. A bill allowing the same defence to notes or bills of exchange payable in banks that are allowed now by law against notes not payable in bank.

Was read a first time and referred to the Committee on Judiciary.

Mr. Chapman introduced

Senate Bill No. 112. An act to create the Forty-first Judicial Circuit, to amend sections thirty-four and thirty-nine of an act to divide the State into circuits for judicial purposes, fixing the times of holding courts therein, abolishing the courts of Common Pleas and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorney in certain cases, approved March 6th, 1873, and also to provide for holding terms of court in the Thirty-third, Thirty-eighth and Forty-first Circuits, and repealing all laws inconsistent therewith.

Was read a first time and referred to the Committee on Organization of Courts.

Mr. Stockslager introduced

Senate Bill No. 113. A bill to amend section two hundred and nineteen of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law and to provide for the administration of justice in a uniform mode of pleading and

practice without distinction between law and equity," approved June 18, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Howard introduced

Senate Bill No. 114. A bill to amend section 1 of an act entitled "An act to enable incorporated towns to lay out, open, grade and improve streets and alleys and make public improvements therein, and to make surveys and adopt plats when the same have been lost or destroyed, and prescribing the duties of the Board of Trustees, and providing for the mode of working and improving streets and alleys, and declaring an emergency," approved April 27, 1869.

Was read a first time and referred to the Committee on Corporations.

Mr. Johnston of Parke, moved to suspend the order of business and take up Senate Bill No. 68.

Which was agreed to, and Senate Bill No. 68 was read a second time now.

Mr. Johnston of Parke, moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 68 be considered engrossed and read a third time now.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunnan, Cardwell, Chapman, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Hackleman, Harney, Haworth, Hendricks, Hough, Howard, Humphries, Johnston of Parke, Johnson of Floyd, LaRue, Major, Maxwell, Neff, Oliver, Peed, Ringo, Roe, Sarnighausen, Scott, Sleeth, Smith, Stockslager, Tobin, Underwood and Wilson—40.

Those who voted in the negative were,

Messrs. Culbertson and Grove—2.

So the constitutional rule was suspended and Senate Bill No. 68, a bill amendatory and supplemental to an act entitled "An act providing for voluntary assignment of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same," approved March 5, 1859, and declaring an emergency, was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunnan, Cardwell, Chapman, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Ringo, Roe, Sarnighausen, Scott, Slater, Sleeth, Smith, Stockslager, Tobin, Underwood and Wilson—42.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Leave of absence was granted Mr. Ringo until Tuesday next, and to Mr. Wilson until Monday evening next, and to Mr. Cree until Tuesday evening next.

On motion of Mr. Bell, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate reassembled, President in the chair.

Mr. Daggy moved a call of the Senate.

The following Senators answered to their names :

Messrs. Baxter, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Culbertson, Daggy, Davidson, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Hendricks, Hough, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Mayor, Maxwell, Neff, Peed, Roe, Sarninghausen, Scott, Slater, Stockslager, Thompson, Tobin, Underwood—35.

On motion of Mr. Johnston of Parke, the further call was dispensed with.

Mr. Friedley of Scott introduced

Senate Bill No. 115. A bill to provide for the sale of property held in trust in certain cases as therein provided.

Was read a first time and referred to the Committee on Judiciary.

Mr. Boone offered the following resolution :

Resolved, That the Committee on Rights and Privileges of the inhabitants of the State, be and they are hereby instructed to inquire into the expediency of so amending the law of descents and the law providing for the settlement of decedent's estates, as to provide that in case of the death of the wife of the decedent before him, and there are surviving the deceased father, one or more infant children under the age of ten years, that the \$500 which would have been the individual right in the personal property, of the surviving widow, shall descend to and be vested in the said minor child or children, in the same manner and to the same extent as to the widow of the said decedent, and that they report by bill or otherwise at an early date.

Which was adopted.

Mr. Oliver introduced

Senate Bill No. 116. A bill to establish a State Board of Health to provide for the appointment of a superintendent of vital statistics and to assign certain duty to local boards of health.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Humphries offered the following resolution :

Resolved, That the Auditor of State be instructed to report to the Senate the amount of taxes collected from dogs for the year 1865 and each subsequent year until this time.

Which was adopted.

Mr. Slater introduced

Joint Resolution No. 4. Joint resolution making the Auditor of State the custodian of all records and papers in relation to the sinking fund.

Was read a first time and referred to the Committee on Finance.

Mr. Gooding, from the Committee on the Organization of the Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate Bill No. 25, entitled "A bill to fix the times of holding courts in the Thirty-fourth Judicial Circuit, have had the same under consideration and direct me to report the same back with a recommendation that it do pass.

Which was concurred in.

Mr. Johnston of Parke, introduced

Senate Bill No. 117. A bill to amend section 19 of an act entitled "An act prescribing the powers and duties of justices of the

peace in State prosecutions," approved May 29, 1852, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Chapman, from the Committee on Finance, made the following report:

MR. PRESIDENT:

Your Committee on Finance, to whom was referred Senate Bill No. 8, entitled "An act fixing the per diem and mileage of members of the General Assembly, and providing that they shall furnish their own stationery," have had the same under consideration and report it back with a recommendation that it be referred to the Committee on Fees and Salaries.

Which was concurred in.

Mr. Chapman, from the Committee on Finance, made the following report:

MR. PRESIDENT:

Your Committee on Finance, to whom was referred Senate Bill No. 51, entitled "An act to transfer from the office of the Auditor of State, to the general fund of the treasury, certain sums of money held for free banks that have suspended or been wound up, and making other provisions in relation thereto," have had the same under consideration and now respectfully report back with a recommendation that it pass.

Which was concurred in.

On motion by Mr. LaRue, the Senate adjourned until Monday, 2 o'clock p. m.

MONDAY AFTERNOON.

JANUARY 18, 1875—2 O'CLOCK.

Senate assembled, President in the chair.

Journal of Friday, the 15th instant, read, corrected and approved.

The President laid before the Senate the following :

OFFICE OF AUDITOR OF STATE,
Indianapolis, January 16, 1875.

Hon. LEONIDAS SEXTON, *President of Senate* :

SIR: In compliance of Senate resolution of the 15th instant, in relation to dog tax, I have the honor to submit the following :

The total amount of said tax assessed for the respective years is—

For 1865	\$28,871
1866	154,840
1867	130,248
1868	164,051
1869	169,980
1870	172,378
1871	175,902
1872	178,512
1873	196,501
1874, not yet reported.....	

The above are the amounts in the aggregate as assessed for each year. Owing to the fact that the fall settlements with this office are for State taxes alone, I am unable to give the full amount of dog tax

collected. The usual per cent. of an assessment lost in delinquencies is placed at one-fifth. This would leave the aggregate for the years named, \$1,097,027.

Very respectfully,

JAMES A. WILDMAN,

Auditor of State.

The President laid before the Senate the following :

STATE LIBRARY, January 18, 1875.

Hon. Leonidas Sexton :

President of the Senate :

SIR:—I beg leave to present to the Senate, through you, the following communication, to wit :

By section three of an act approved February 19, 1867, the State Librarian is required to employ the fireman in charge of the furnace and wood yard, and by section eight of previous acts is required to have fires kept in the Legislative Halls four days prior to the commencement of each session. The three furnaces in the cellar being entirely unfit to heat the halls, I have caused them all to be thrown out and in lieu thereof have introduced base burners into the lobbies and committee rooms. In order to comply with the spirit of the law and to insure success in so radical a change, I employed two skilled firemen who should have sole charge of the stoves, one in the Senate and one in the House and who together should bring up the coal from the cellar by the windlass. The stoves under their charge have proved a success beyond a question. But, section one of an act approved December 23, 1872, provides that the two assistant doorkeepers shall act as firemen of the lobbies. Now, as the doorkeepers have become familiar with their place and duties, I ask that the Senate shall either order me to dismiss the Senate fireman or authorize me to retain him. If he is dismissed of course my direct jurisdiction over the stove will cease.

Respectfully submitted,

SARAH A. OREN,

State Librarian.

Was referred to the Committee on Public Buildings.

Mr. Hackleman presented a petition on the subject of restraining stock from running at large.

Was read a first time and referred to the Committee on Agriculture.

Mr. Underwood presented three petitions from citizens of Grant and Jay counties on the subject of temperance.

Was read and referred to the Committee on Temperance.

Mr. Thompson presented several petitions on the subject of life insurance policies and taxation thereon.

Was read and referred to the Committee on Insurance.

Mr. Beardsley presented a petition on the subject of garnisheeing, etc., from citizens of Elkhart county.

Was read and referred to the Committee on Judiciary.

Mr. Tobin presented a petition signed by citizens of Perry county on the subject of fees and salaries.

Was read a first time and referred to the Committee on Fees and Salaries.

Mr. Hough from the Committee on Corporations made the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Senate Bill No. 28, entitled "An act to amend section 58 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, etc.,'" approved March 14, 1867, and declaring an emergency, approved March 7, 1873, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the same do pass.

Mr. Bearss offered the following amendment :

Amend said bill so that cities under ten thousand inhabitants shall

not be assessed to exceed fifty cents on the hundred dollars valuation.

Mr. LaRue offered the following amendment to the amendment:

To recommit the bill to the Committee on Corporations, and direct them to so amend the bill as to provide that lands in larger bodies than five acres shall not be taxed at higher rates for city purposes, including schools, than other lands are taxed in the township in which such city is situated.

Which was agreed to.

Mr. Sarnighausen moved to indefinitely postpone the further consideration of the bill, report and amendments.

Messrs. Smith and Bearss demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bell, Bunyan, Culbertson, Davidson, Gooding, Grove, Haworth, Henderson, Hendricks, Johnston of Parke, Neff, Oliver, Peed, Sarnighausen, Skinner, Sleeth, Stockslager and Thompson—19.

Those who voted in the negative were,

Messrs. Baxter, Bearss, Boone, Cardwell, Chapman, Culbertson, Friedley of Scott, Givan, Hackleman, Harney, Hough, Howard, Humphries, Johnson of Floyd, LaRue, Major, Maxwell, Roe, Scott, Slater, Smith, Tobin and Underwood—23.

So the motion to indefinitely postpone did not prevail.

Mr. Bell offered the following as instructions:

Providing that all bodies of land containing five acres or more, used exclusively for farming purposes, and worth less than three hundred dollars per acre, laying within the limits of any city shall be exempt from taxation by such city.

The question being on recommitting the bill, report, amendment and instructions.

It was agreed to.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following Joint Resolution:

No. 3, a Joint Resolution expressing regret for the death of Hon. Milton B. Hopkins, and the same is herewith respectfully transmitted for the action of the Senate.

Mr. Underwood from the Committee on Corporations made the following report:

MR. PRESIDENT:

The Committee on Corporations to whom was referred Senate Bill No. 63, entitled "An act empowering all Boards of Trustees of any incorporated town in this State, by ordinance, to prohibit the sale, bartering, or giving away of intoxicating liquors within the corporate limits of such town, to be drunk upon the premises or appurtenances of the premises whereon sold by any person without a license or permit thereunto authorizing him, first obtained by grant of and issued upon the direction of such board, etc., have had the same under consideration and have directed me to report the same back to the Senate, with the recommendation that the same be amended by striking out section 4 thereof, and inserting in lieu thereof the following: Section 4. Whereas, there is no law now in force in this State empowering the Board of Trustees of incorporated towns to regulate and restrain the sale, bartering, or giving away of intoxicating liquors within their corporated limits, to be drunk upon the premises whereon sold, bartered, or given away, an emergency exists for the immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage, and that when so amended that the bill do pass.

Which was concurred in.

Mr. Hough, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 52, entitled "An act to amend the fourth and ninth sections of an act entitled 'an act for the incorporation and continuance of building, loan fund and saving associations,'" approved March 5, 1857, to legalize certain contracts made by such associations, and declaring an emergency, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the same be amended by striking out section one thereof, and that when so amended that the same do pass.

Which was concurred in.

Mr. Hough, from the Committee on Corporations, also made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 92, entitled "An act supplemental to an act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes," approved May 25, 1852, have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed for the reason that the act sought to be supplemented, (or the section of said act proposed to be amended), thereby suspended by the act of 1872, amendatory thereof, which became a law by lapse of time.

Which was concurred in.

Mr. Bunyan offered the following resolution :

Resolved, That the special committee appointed by the Senate to ascertain what vacancies are about to occur in the directorship of the State Prison, South, are further required to examine as to the expediency of abolishing such directorship, with the view of placing

both the State Prisons of this State under the control of one Board of Directors, and to report to the Senate as soon as practicable, by bill or otherwise.

Which was not adopted.

Mr. Peed introduced Senate Joint Resolution No. 5.

A Joint Resolution directing the Attorney General to prosecute the quo-warranto proceedings against the Terre Haute & Indianapolis Railroad Company to final judgment.

Was read a first time.

Mr. Sarnighausen introduced

Senate Joint Resolution No. 6. A Joint Resolution in relation to the appointment of Joint Railroad Commissioners from this and adjoining States.

Was read a first time.

Mr. Johnston of Parke offered the following resolution :

Resolved, That the Committee on Temperance be and is hereby instructed to report a bill providing that persons selling intoxicating liquors to be used as a beverage shall be personally liable for all damage and injury to persons or property occasioned by such sale and use.

Mr. Johnston moved the resolution lie over until Wednesday next at 2 o'clock.

Which was agreed to.

Mr. Slater introduced

Senate Joint Resolution No. 7, to regulate the auditing of accounts of persons appointed by the General Assembly without authority of Law.

Was read a first time.

S. J.—9

Mr. Peed introduced

Senate Joint Resolution No. 8. A joint resolution regulating certain legislative practice therein mentioned.

Was read a first time.

Mr. Grove introduced

Senate Bill No. 118. A bill to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors within the counties, township, cities and towns of this State; to prevent the adulteration of liquors to prohibit its being bartered or given away in certain cases to punish the immoderate use thereof. To punish minors and others for imposing upon or procuring a violation of the law by licensed dealers, to furnish remedies for damages suffered by persons in consequence of a violation of this act, prescribing penalties for violating the same, establishing jurisdictions of courts therein and to repeal all laws contravening the provisions of this act, and declaring an emergency.

Was read a first time and referred to the Committee on Temperance.

Mr. Skinner introduced

Senate Bill No. 119. An act for the relief of the heirs of J. W. Wright.

Was read a first time and referred to the Committee on Claims.

Mr. Bearss introduced

Senate Bill No. 120. An act making it a penal offence for any engineer, conductor, or other persons having the control of any railroad train, from blocking up or holding the said train across any street or public highway.

Was read a first time and referred to the Committee on Roads.

Mr. Underwood introduced

Senate Bill No. 121. A bill to amend an act entitled "An act

providing for the election and prescribing certain duties of county surveyors," approved June 17, 1872.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Harney moved that the Senate do now adjourn.

Which was agreed to.

TUESDAY MORNING.

JANUARY 19, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. I. K. Pye, of Connersville, Ind.

Journal of yesterday read and approved.

Mr. Ringo presented several petitions from citizens of Clay county on the subject of temperance.

Was read and referred to the Committee on Temperance.

Mr. Haworth presented several petitions from citizens of Fayette and Union counties on the subject of temperance.

Was read and referred to the Committee on Temperance.

Mr. Friedley of Lawrence, presented a petition from citizens of Lawrence county on the subject of the grand jury system.

Read and referred to the Committee on Judiciary.

Mr. Bell, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary to whom was referred Senate Bill No. 58 entitled "An act to amend section three of an act entitled 'an act prescribing who may make a will, the effect thereof, what may be devised regulating the revocation, admission to probate, and contest thereof,'" approved May 31, 1852, have directed me to report that they have had the same under consideration and recommend the indefinite postponement thereof.

Which was concurred in.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 54, a bill to amend an act entitled "An act providing for the election and qualification of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1852, have had the same under consideration and have instructed me to report the same back with a recommendation that it be laid on the table.

Mr. Friedley of Lawrence offered the following amendment :

Recommit with instructions to so amend the bill as to provide that all suits founded on contracts when the amount in controversy is not more than one hundred dollars, justices shall have jurisdiction in any township of their respective counties where the debt was contracted.

Mr. Slater moved the previous question.

Which motion was seconded by the Senate.

The question being, shall the main question be now put ?

It was so ordered.

The question being on the amendment, Messrs. Bell and Sarnighausen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Cardwell, Chapman, Cree, Daggy, Dykeman, Friedley of Lawrence, Grove, Hackleman, Haworth, Henderson, Hendricks, Hough, Johnson of Floyd, Johnston of Parke, Neff, Oliver, Peed, Ringo, Roe, Sleeth, Thompson, Tobin and Underwood—25.

Those voting in the negative were,

Messrs. Bell, Boore, Bowman, Bunyan, Culbertson, Davidson, Friedley of Scott, Givan, Harney, Howard, Humphries, LaRue, Major, Maxwell, Sarnighausen, Scott, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—22.

So the amendment was agreed to and the bill and report re-committed.

Mr. Hough, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 10, entitled "An act to regulate public warehouses and warehousing and inspecting and mixing grain, providing for the appointment of inspectors of grain, making warehouse receipts assignable, prescribing the duties of warehousemen and inspectors of grain, and providing penalties," have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the same be amended as follows:

1st. Amend section 9 by inserting after the word "condition," in line 4, the phrase "for storage."

Also, by striking out all between the first word "notice," in line 6 and the beginning of line 8, and inserting in lieu thereof the following: "Thereof by posting a plainly written or printed notice in three of the most public places for such a purpose."

Also, by inserting after the word "condition," in line 20, the phrase "for storage," and, also, by inserting the following proviso immediately after the word "lines," in line 29 thereof, to-wit :

Provided however, That in all cases where the owner of such grain or any part thereof, or the owner of the receipt thereof, or of the receipt for any part thereof is known to such warehouseman, it shall be his duty to, immediately upon discovering such grain to be out of condition for storage, notify such owner in writing of the actual condition of such grain as nearly as he can ascertain it to be.

2d. Amend section 10 by inserting after the word "condition," in line 16, the phrase "for storage."

Also, by striking out the brackets which enclose the word "not" in line 17.

Also, by striking out of said section 10, between the word "owner," in line 23 and the beginning of line 27, and inserting in lieu thereof the following: First giving ten days notice of the time and place of such sale by posting a written or printed notice thereof in five of the most public places in the city or town in which such warehouse is located, and also by publication in a newspaper of general circulation, (daily, if there be one,) published in such city or town.

3d. Amend section 13 by inserting after the word "influence," in line 9, the following: Or attempt to improperly influence.

Also, by inserting after the word "conviction," in line 12, the word "thereof."

Also, by striking out the phrase "in the discretion of the court," in lines 14 and 15 thereof.

Also, by adding at the close of said section the following: "Or jury trying the cause."

4th. Amend section 14 by inserting after the word party, in line 5, the words "or parties."

Also, by striking out the words "by such receipts," in line 5, and inserting in lieu thereof the words "the same."

Also by striking out the phrase "by such receipt," in line 7, and inserting in lieu thereof the word "thereby."

5th. Amend section 16 by striking out that portion thereof between the words "city," in line 14, and the word "shall," in line 15, and inserting in lieu thereof the following: "Or town, such organization in such manner as they may determine."

6th. Further amend the bill by striking out section 18 thereof, and that when so amended that the bill do pass.

Mr. Harney moved that the bill and report be placed upon the calendar.

Which was agreed to.

Mr. Bell, from the Committee on Phraseology and Arrangement of Bills, made the following report:

MR. PRESIDENT:

The Committee on Phraseology and Arrangement of Bills have had under consideration Engrossed Senate Bill No. 68, entitled "An act amendatory and supplemental to an act entitled 'an act providing for voluntary assignments of personal and real property in trust for the benefit of creditors and regulating the mode of administering the same,'" approved March 5, 1859, and declaring an emergency, and herein direct me to report the same and recommend the insertion of the additional words:

SEC. 10. At the beginning of line 10 of the second page of said bill as engrossed.

Which was concurred in.

Mr. Johnston of Parke, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report:

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 57, an act to repeal an act to repeal an act for the protection of fish, approved February 22, 1871, have had the same under consideration and a

majority of said committee have directed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

The question being on concurring in the report, Messrs. Humphries and Slater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Gooding, Grove, Hackleman, Hendricks, Hough, LaRue, Neff, Oliver, Roe, Sarnighausen, Scott, Skinner, Smith, Thompson, Tobin and Underwood—31.

Those who voted in the negative were,

Messrs. Dykeman, Givan, Harney, Haworth, Henderson, Howard, Humphries, Johnston of Parke, Major, Maxwell, Peed, Ringo, Slater, Wilson and Winterbotham—15.

So the report was concurred in and Senate Bill No. 57 indefinitely postponed.

Mr. Johnston of Parke from the Committee on Rights and Privileges of the Inhabitants of the State made the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 31, a bill for the protection of wild game, and defining the time in which the same may be killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith and declaring an emergency, have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that the same pass.

Which was concurred in.

Mr. Harney offered the following concurrent resolution:

Resolved, by the Senate, the House concurring, That in accordance with an act of Congress, declaring the manner of electing United States Senator, that the Senate this day at two and one-half o'clock p. m., proceed to vote in form for a Representative of the State of Indiana, in the Senate of the United States, to succeed Hon. Daniel D. Pratt.

Which was adopted.

Mr. Stockslager from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee to whom was referred Senate Bill No. 21, an act to prohibit the sale, gift, or bartering of deadly weapons, or ammunition therefor to minors, have had the same under consideration and have directed me to report the same back with the recommendation that it pass.

Which was concurred in.

Message from the House by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following resolution :

Resolved, That the members of the House of Representatives of the State of Indiana meet in the Hall of the House on Tuesday the 19th day of January, A. D. 1875, at 2:30 p. m., for the purpose of voting for a United States Senator, and that the Senate be informed of the passage of this resolution.

Also, the following :

Resolved by the House, the Senate concurring therein, That for the purpose of comparing the votes cast in each House for United States Senator, as provided by act of Congress, and if necessary voting for that officer, that both Houses of this General Assembly meet in joint convention in the Hall of the House of Representatives at twelve o'clock on to-morrow.

In which the Senate is asked to concur.

Mr. Peed offered the following resolution of inquiry :

WHEREAS, During the month of March, 1873, it was currently charged by the newspapers of this State that large sums of money had been paid certain parties for the purpose of advancing a certain cause upon the docket of the Supreme Court, in which Adam Earl, Esq., President of the Lafayette, Muncie and Bloomington Railroad Company, was a party, and obtaining an early decision of the same from Court; that said suit involved the constitutionality of the law allowing counties, townships, cities and towns to take stock in or make donations to aid in the construction of railroads running into or through said counties, through cities and towns; that large sums of money voted by the tax payers of Tippecanoe county, Indiana, was depending upon the ruling of said Sepreme Court on the question of the constitutionality of the provisions of said case then pending in said Supreme Court; that to secure an early opinion from said Court it was alleged and charged that the said Adam Earl, Esq., President of the Lafayette, Muncie and Bloomington Railroad Company, as aforesaid, paid C. A. Ray, Esq., \$7,000; G. O. Behm, Esq., \$4,000, and John Graham, Esq., \$4,000; that none of the parties to whom said large sums were paid as aforesaid were attorneys of record in said cause, but that on the contrary John Graham, Esq., to whom \$4,000 of said money was so paid, was at the time said payment was made, Librarian of said Supreme Court; and

WHEREAS, The integrity of our Supreme Court and the spotless character of its able and learned Judges is the just pride of every citizen of Indiana. and whose upright walk, both as private citizens and as members of that judicial tribunal, which has for more than twenty years challenged the admiration of the whole country and who by their labor and wisdom have raised the judicial opinions of the courts of last resort in Indiana to be acknowledged judicial authority of a high order in any State in the Union; therefore, for the purpose of vindicating the Judges of the Supreme Court, be it

Resolved, That a committee of three Senators be appointed to inquire into and investigate all the charges and matters and things connected with said transaction and report the same to this body, that said committee shall have power to send for persons and papers, and to demand and receive to be used in evidence all books,

papers, official and other records, papers and writings necessary to a full and complete investigation of all the facts surrounding said transaction or connected therewith.

Mr. Harney moved that the resolution be referred to the Committee on Judiciary.

Pending which, on motion of Mr. Roe, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate reassembled, President in the chair.

The pending question on adjournment being, on the motion of Mr. Harney, to refer the resolution of Mr. Peed to the Committee on the Judiciary, Messrs. Peed and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bell, Boone, Bowman, Cardwell, Cree, Daggy, Davidson, Dykeman, Friedley of Scott, Gooding, Hackleman, Harney, Haworth, Hendricks, Howard, Humphries, Johnston of Parke, Johnson of Floyd, LaRue, Major, Neff, Oliver, Ringo, Roe, Sarnighausen, Scott, Skinner, Sleeth, Stockslager, Thompson, Tobin, Underwood and Wilson—35.

Those who voted in the negative were,

Messrs. Bearss, Bunyan, Chapman, Culbertson, Friedley of Lawrence, Givan, Grove, Henderson Hough, Peed, Rhodes, Slater, Smith and Winterbotham—14.

The resolution was so referred.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has concurred in the passage of the following resolution :

Resolved by the Senate, the House concurring, That in accordance with an act of Congress declaring the manner of electing United States Senator, that the Senate this day, at 2½ o'clock p. m., proceed to vote in form for a representative of the State of Indiana in the Senate of the United States, to succeed the Hon. Daniel D. Pratt.

Mr. Rhodes presented a petition from the citizens of Fountain county on the subject of Temperance.

Was referred to the Committee on Temperance without reading.

Mr. Gooding demanded the call of the Senate.

The following Senators answered to their names:

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—50.

The further call was dispensed with.

The hour of two and a half o'clock having arrived, it being the hour agreed upon to go into the election of a United States Senator, to succeed the Hon. Daniel D. Pratt. The President announced that nominations were now in order.

Mr. Harney put in nomination Joseph E. McDonald, of the county of Marion.

Mr. Major put in nomination James Buchanan, of the county of Marion.

Mr. Haworth put in nomination Daniel D. Pratt, of the county of Cass.

Mr. Friedley of Scott, put in nomination, Richard W. Thompson of the county of Vigo.

There being no other nominations, the President ordered the call of the roll :

Those voting for Mr. McDonald were,

Messrs. Bell, Boone, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

Those voting for Mr. Pratt were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Chapman, Hackleman, Haworth, Hough, Johnston of Parke, LaRue, Neff, Oliver, Sleeth, Thompson and Underwood—15.

Those voting for Mr. Buchanan were,

Messrs. Cardwell, Major, Scott and Tobin—4.

Those voting for Mr. R. W. Thompson were,

Messrs. Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Howard, Rhodes and Roe—7.

Mr. Maxwell voted for W. S. Holman.

No gentleman having received a majority of all the votes cast, the President declared no election by the Senate.

Mr. LaRue introduced

Senate Bill No. 122. A bill to amend the first and fifteenth sections of an act entitled "An act to limit the number of grand jurors and to point out the mode of their election, defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Baxter introduced

Senate Bill No. 123. A bill to amend section one of an act entitled "An act to amend an act entitled 'an act providing for the election or appointment of Supervisors of Highways, prescribing certain of their duties and those of county and township officers in relation thereto,'" approved March 5, 1859, and approved December 20, 1865.

Was read a first time and referred to the Committee on Roads.

Mr. Thompson introduced

Senate Bill No. 124. An act concerning common carriers of passengers.

Was read a first time and referred to the Committee on Railroads.

Mr. Maxwell introduced.

Senate Bill No. 125. A bill to amend section sixteen of an act entitled "An act concerning promissory notes and bills of exchange," approved May 12, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Scott introduced

Senate Bill No. 126. A bill to repeal sections 272 and 273 of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Henderson introduced

Senate Bill No. 127. A bill to amend section 216 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to

abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity.

Was read a first time and referred to the Committee on Judiciary.

Mr. Dykeman introduced

Senate Bill No 128. A bill to regulate the practice of medicine and surgery, and protect the citizens of Indiana from empiricism and elevate the standing of the medical profession.

Was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. LaRue introduced

Senate Bill No. 129. A bill for the redemption of real property sold on execution or order of sale, determining the rights of parties interested therein, providing remedies and repealing the act upon the subject of redemption, approved June 4th, 1865, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House, to inform the Senate, that the House has passed the following concurrent resolution:

Resolved, by the House of Representatives, the Senate concurring, That the two Houses of the General Assembly of the State of Indiana, will meet in Joint Convention in the Hall of the House of Representatives, at ten A. M., on the 21st day of January, A. D., 1875, for the purpose of electing one State Librarian, three Directors of the State Prison, North; one Director of the State Prison South, to succeed John Kirk, and one Director of the State Prison South, to succeed B. F. Hill, one Trustee of the Deaf and Dumb Asylum, and one Trustee of the Soldiers' Orphans' Home, and one Trustee of the Insane Asylum.

In which the Senate is requested to concur.

Mr. Givan introduced.

Senate Bill No. 130. A bill to amend section fifty-four of an act entitled "An act to revise, simplify and abridge the rules, practice pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, in a uniform mode of pleading, and practice without discrimination between law and equity," approved June 18, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Baxter introduced

Senate Bill No. 131. A bill to repeal sections 272 and 273 of an act entitled "An act to provide for the uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872.

Was read a first time and referred to the Committee on Finance.

Mr. Winterbotham introduced

Senate Bill No. 132. An act to authorize any incorporated city in this State in which a harbor is situated, to lease parts of streets and public grounds abutting on such harbor and to collect dockage from the lessee.

Was read a first time and referred to the Committee on Corporations.

Mr. Harney introduced

Senate Bill No. 133. An act regulating the fees of officers and providing penalties for its violation, repealing certain acts therein named and providing duties to be performed by State, county and township officers, and matters properly connected therewith, and declaring an emergency.

Was read a first time and referred to the Committee on Fees and Salaries.

Mr. Friedley of Lawrence, introduced

Senate Bill No. 134. A bill authorizing the erection of gates

across certain highways, declaring it to be a misdemeanor to remove or injure the same and providing penalties therefor.

Was read a first time and referred to the Committee on Roads, accompanied by a petition on the same subject.

Mr. Thompson introduced

Senate Bill No. 135. A bill to repeal the 8th section of an act entitled "An act supplementary and amendatory of an act entitled 'an act to provide for an uniform assessment of property and for the collection and return of taxes thereon,'" approved December 21, 1872, and approved March 8, 1873.

Was read a first time and accompanied by a petition on the same subject.

Referred to the Committee on Insurance.

Mr. Major introduced

Senate Bill No. 136. A bill regulating and fixing the legal rate of interest on money.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Sleeth introduced

Senate Bill No. 137. An act concerning the practice in cases appealed to the circuit court.

Was read a first time and referred to the Committee on Judiciary.

Mr. Sleeth introduced

Senate Bill No. 138. A bill in relation to the settlement of claims against decedents estates.

Was read a first time and referred to the Committee on Judiciary.

Mr. Stockslager introduced

Senate Bill No. 139. A bill to amend sections 1 and 2 of an act
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entitled "An act to amend the second section of an act entitled 'an act to amend the fifth and sixth sections of an act entitled an act to provide for the election of a reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter,'" approved February 28, 1855, and also to amend the seventh section of an act entitled "An act to provide for the election of a reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter," approved February 5, 1852, approved March 6, 1865, and declaring an emergency.

Was read a first time and referred to the Committee on Fees and Salaries.

Mr. Stockslager introduced

Senate Bill No. 140. A bill to amend sections 48 and 50 of an act entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1872, and declaring an emergency.

Was read a first time and referred to the Committee on Fees and Salaries.

Mr. Daggy introduced

Senate Bill No. 141. An act authorizing the sale and conveyance of certain lands belonging to the State of Indiana.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Givan introduced

Senate Bill No. 142. An act to amend section 27 of an act to provide for a general system of common schools, the officers thereof and their respective duties and powers, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Was read a first time and referred to the Committee on Education.

Mr. Friedley of Lawrence, introduced

Senate Bill No. 143. A bill defining certain misdemeanors and providing penalties therefor.

Was read a first time and referred to the Committee on Temperance.

Mr. Thompson introduced

Senate Bill No. 144. An act supplemental to an act approved January 21st, 1852, and entitled "An act authorizing Circuit Courts to change the names of persons and corporations."

Was read a first time and referred to the Committee on Judiciary.

Mr. Stockslager introduced

Senate Bill No. 145. A bill to enable and empower executors and administrators of the estates of deceased persons to enforce partition of the real estate of such decedents in certain cases, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Bell introduced

Senate Bill No. 146. A bill to amend section 467 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved January 18th, 1852.

Was read a first time and referred to the Committee on Judiciary.

By unanimous consent Mr. Sleeth introduced the following resolution :

WHEREAS, Section 4 of an act approved December 23, 1872, found on page 38 of the acts of the special session of 1872, provides

that the Journal of the Senate shall be deposited in the office of the Secretary of State within 10 days after the close of the session, to be permanently bound and carefully preserved, and copies of such Journal shall be furnished to the printer from which to print the same ; therefore,

Resolved, That the Assistant Secretary of the Senate be requested to inform the Senate whether or not such copy of the Journal is being made at the present session, and if not, that he furnish to the Senate the reasons in full why the same is not done, at his earliest convenience.

Which was adopted.

By unanimous consent Mr. Cree introduced the following resolution :

Resolved, That the Judiciary Committee be and are hereby instructed to prepare an amendment to the act of December 21st, 1872, changing the time of assessment of real estate to once in five years instead of two, as now provided by law.

Mr. Bunyan moved to amend the resolution by referring it to the Committee on Finance.

Which was agreed to.

The resolution as amended was then adopted.

On motion by Mr. Peed the Senate adjourned.

WEDNESDAY MORNING.

JANUARY 20, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. I. B. McClain, Pastor of the Massachusetts Avenue M. E. Church. Journal of yesterday read and approved.

The President laid before the Senate the following from the Assistant Secretary of the Senate :

Hon. Leonidas Sexton, President of the Senate :

In reply to the resolution of inquiry addressed to me by the Senate on the 19th instant, I would state that I am endeavoring to comply with the law cited in the resolution, but with the limited clerical force at my command I will not be able to fully comply. To prevent being behind I have been compelled to employ assistant help and pledged myself to pay for the same out of my own resources. That the Senate may more fully understand the case, I beg leave to recite the following facts :

The same work devolves upon the Assistant Secretary of the Senate and his clerks that is imposed upon the Assistant Clerk of the House, as will be seen by a comparison of the journals of the two Houses. In fact, the Journal of the last session of the Senate contains one thousand and ninety-nine pages, exclusive of the index, while that of the House contained but nine hundred and seventy-three, or in other words the work of the Assistant Secretary of the Senate, two years ago, exceeded that of the Assistant Clerk of the House by nearly one thousand manuscript pages ; notwithstanding the work is at least as great, by the law the Assistant Secretary is allowed two less clerks than the Assistant Clerk. The law limiting the number of employees was passed December 13, 1872. Six days afterward, to-wit, December 19, the Senate passed an act requiring two copies to be made of the Journal, instead of one, thus almost doubling the work of the Assistant Secretary without increasing his force. Prior to the law of December 13, the President of the Senate was entitled to his own private secretary.

The law stated placed this duty upon the Assistant Secretary and increased it by requiring him to prepare for the Senate, at the close of the session, a detailed report showing the number and amount of warrants drawn, in whose favor, and upon what account. Thus the work of the Assistant Secretary has been constantly increased, but no addition has been made to his force, and I am expected to do the same work as the Assistant Clerk of the House but with a much smaller force.

The Journals of the Senate, for a single day, often cover three and four hundred pages of manuscript, and this has to be copied

twice. More work has been done by the Senate already than was done by the special session two years ago, and as a result my labors have been increased.

Two years ago the Senate, at its regular session, was compelled to increase the force by resolution, and finding the work greater than I could do with my force, I put on an addition, supposing the resolution of two years ago would permit. Having been informed otherwise I have discontinued them except as I pay them from my own resources.

To insure accuracy and correctness in copy prepared for the printer, I cause each page to be carefully compared with the original. The law requires me to complete all this work within ten days after the close of the session, yet does not provide for the payment for one day's labor after the close. With the force at my command I can not comply with the law and secure the accuracy that should be obtained. The failure of agreement between the Journal of the Senate and House in regard to the election of Prison Directors two years ago, is an exemplification of this. To catch up with the work it will require at least two additional clerks.

W. H. SMITH, Assistant Secretary.

PRESENTATION OF PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Haworth, from the citizens of Fayette and Union counties, on the subject of Temperance.

Was read and referred to the Committee on Temperance.

By Mr. Grove, from the Patrons of Husbandry of Bartholomew county, on the subject of amending the bird law.

Was read and referred to the Committee on Agriculture.

By Mr. Grove, from the Patrons of Husbandry of Bartholomew county, on the subject of compulsory education.

Was read and referred to the Committee on Education.

By Mr. Smith, from citizens of Tippecanoe county, on the subject of taxing life insurance policies.

Was read and referred to the Committee on Insurance.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 60, a bill defining the liabilities of infants and persons contracting with infants of certain age, and declaring an emergency, have had the same under consideration and direct me to report the same back to the Senate with the following amendment: Amend by striking out the second section of said bill, and when so amended, they recommend its passage.

Which was concurred in.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

The Committee on Judiciary, to whom was referred Senate Bill No. 29, a bill abolishing grand juries, and authorizing all prosecutions to be instituted by affidavit, compelling the attendance of witnesses, and repealing all laws in conflict with this act, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

Which was concurred in.

Mr. Bell from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 73, entitled "An act to authorize husband and wife to testify for or against each other, in any civil or criminal judicial proceeding, concerning any fact that any other competent witness might testify to, have had the same under consideration, and have directed me to report the bill back to the Senate with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Friedley of Lawrence, from the Committee on Judiciary made the following report :

MR. PRESIDENT :

The Committee on Judiciary to whom was referred Senate Bill No. 61, entitled "An act to subject a married woman's lands to her debts and contracts, have had the same under consideration and have instructed me to report back to the Senate with a recommendation that the same be indefinitely postponed.

The question being on concurring in the report.

Messrs Boone and Bunyan demanded the ayes and noes.

The ayes and noes being taken,

Those who voted in the affirmative were,

Messrs. Baxter, Bell, Boone, Bowman, Chapman, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Hackleman, Harney, Haworth, Hendricks, Hough, Johnson of Floyd, Johnston of Parke, LaRue, Major, Peed, Ringo, Scott, Skinner, Sleeth, Smith, Stockslager and Tobin—29.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Bunyan, Cardwell, Dykeman, Grove, Henderson, Howard, Humphries, Neff, Oliver, Roe, Sarnighausen, Slater, Thompson, Underwood, Wilson and Winterbotham—18

So the report was concurred in.

By unanimous consent the following concurrent resolution of the House was taken up :

Resolved, By the House, the Senate concurring therein, that for the purpose of comparing the votes cast in each House for United States Senator, as provided by act of Congress, and if necessary voting for that officer, that both Houses of this General

Assembly meet in Joint Convention in the Hall of the House of Representatives, at 12 o'clock meridian, to-morrow.

Which was adopted.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 35, a bill repealing an act entitled "An act regulating interest on judgment," have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

Pending discussion on the above report, the following message from the House by Messrs. Heller and Johnson, members thereof, was received :

MR. PRESIDENT :

The time having arrived for the joint convention of the two Houses of the General Assembly, we are directed by the House of Representatives to inform the Senate that the House is now ready to receive the Senate.

On motion of Mr. Harney, the Senate, preceded by the President, repaired to the Hall of the house.

JOINT SESSION.

The joint convention was called to order by the President of the Senate, who announced that the two Houses of the General Assembly have met in joint convention to elect one United States Senator for the term of six years from the fourth of March next, to succeed the Hon. Daniel D. Pratt.

So much of the Journal of each House as referred to the action of yesterday, was read.

The President announced that as no gentleman had received a majority of the votes in each branch of the legislature, there was no election and directed that the joint convention would now proceed to the election of a United States Senator to succeed the Hon. Daniel D. Pratt, and that nominations were now in order.

Senator Harney put in nomination Joseph E. McDonald, of the county of Marion.

Representative Thompson of Henry, put in nomination James Buchanan, of the county of Marion.

Representative Kennedy of Montgomery, put in nomination Daniel D. Pratt, of the county of Cass.

Representative Reno put in nomination William S. Holman, of the county of Dearborn.

Senator Friedley of Lawrence, put in nomination Richard W. Thompson, of the county of Vigo.

There being no other nominations, the President ordered a call of the Senate.

When the following Senators answered to their names :

Call of the Senate in joint convention.

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunnan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—49.

The further call was dispensed with.

The President then directed the Secretary of the Senate to call the roll of Senators on the vote.

*Those on the part of the Senate who voted for Mr.¹
McDonald were,*

Messrs. Bell, Boone, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—24.

*Those on the part of the Senate, who voted for Mr. Daniel D.
Pratt were,*

Messrs. Beardsley, Bearss, Bunyan, Chapman, Hackleman, Harworth, Hough, Howard, Johnston of Parke, LaRue, Neff, Oliver, Sleeth, Thompson and Underwood—15.

*On the part of the Senate, those who voted for Mr. James
Buchanan were,*

Messrs. Cardwell, Major and Scott—3.

*On the part of the Senate, those who voted for Mr. R. W.
Thompson were,*

Messrs. Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Roe and Tobin—6.

Senator Baxter voting for William W. Curry.

The President then directed the Clerk of the House to call the roll of the Representatives:

*On the part of the House, those who voted for Joseph E. McDonald
were,*

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn,

Keightly, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—54.

On the part of the House, those who voted for Daniel D. Pratt were,

Messrs. Ames, Anderson, Bearss, Charters, Clark, Crumpacker Dale, Darnall, Favorite, Forkner, Harper, Harris of Wayne, Highway, Kennedy of Montgomery, Kennedy of Morgan, Latham, Morgan, Ratliff, Reeder, Ribble, Shaffer, Shortridge, Smith, Taylor of Tipton, Thomas, Twibill, Williams of Lawrence, Woody and Wynn—29.

On the part of the House, those who voted for James Buchanan were

Messrs. Brown of Jasper, Emerson, Fulk, Jackson, Lincoln, Miller of Parke, Miller of Vanderburgh, McFadden, Pfafflin and Thompson of Henry—10.

On the part of the House, those who voted for W.^o W. Curry were,

Messrs. Ragan and Trusler—2.

Representative Henderson voting for W. S. Holman.

Whole number of votes cast, one hundred and forty-five. Necessary to a choice, seventy-three. Of which

Joseph E. McDonald received.....	78
Daniel D. Pratt received.....	44
James Buchanan received.....	13
Richard W. Thompson received.....	6
W. W. Curry received.....	3
W. S. Holman received.	1

The President announced that Joseph E. McDonald, having received a majority of all the votes cast, was duly elected United

States Senator for the term of six years from the fourth of March next, to succeed the Hon. Daniel D. Pratt.

The President then declared the joint convention adjourned without day.

The Senate then returned to their Chamber, and, on motion of Mr. Daggy, took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

The question pending, being upon the report of Mr. Boone, from the Judiciary Committee.

Mr. Dykeman moved that the further consideration of the report be postponed until 11 o'clock a. m., to-morrow.

Which was agreed to.

The hour of two and a half o'clock having arrived, being the hour for the special order to consider the resolution of Mr. Neff, on the subject of temperance, that the Committee on Temperance be instructed in the preparation of a bill on the subject to insert therein the feature of "local option."

Mr. Peed moved that the special order be postponed until Thursday of next week at 11 o'clock a. m.

Mr. Smith moved that the motion to postpone lie on the table.

Upon the motion to lie on the table the ayes and noes were demanded by Messrs. Neff and Smith.

Those voting in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Chapman, Daggy,

Friedley of Scott, Hackleman, Haworth, Henderson, Hough, Howard, Humphries, Johnston of Parke, Neff, Ringo, Scott, Smith, Thompson, Underwood and Wilson—21.

Those voting in the negative were,

Messrs. Bell, Boone, Bowman, Cardwell, Davidson, Dykeman, Givan, Gooding, Grove, Harney, Hendricks, Johnson of Floyd, LaRue, Major, Maxwell, Peed, Roe, Sarnighausen, Skinner, Slater, Sleeth, Stockslager, Tobin and Winterbotham—25.

So the motion to lie on the table did not prevail.

The question recurring, upon the motion to postpone it was agreed to.

Mr. Peed moved to suspend the order of business and that the House Concurrent Resolution for the election of certain officers be now taken up.

Mr. LaRue moved to amend by striking out the following words :

“And one Director of the State Prison, South, to succeed B. F. Hill.”

Mr. Slater moved that the amendment do lie on the table.

Upon the motion to lie on the table the ayes and noes were demanded by Messrs. LaRue and Hough.

The ayes and noes being taken,

Those who voted in the affirmative were,

Messrs. Bell, Boone, Bowman, Cardwell, Culbertson, Davidson, Dykeman, Givan, Grove, Hackleman, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Smith, Stockslager, Tobin, Wilson and Winterbotham—26.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Chapman, Daggy, Friedley of Scott, Gooding, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Roe, Scott, Sleeth, Thompson and Underwood—21.

So the motion to lie on the table was agreed to.

Mr. Hough moved to amend as follows :

By striking out the words “and one State Librarian,” in line 9 page 1 of the resolution, and insert the same at the end of the resolution.

Also, to amend by striking out the 21st of January, and inserting the 17th of February in lieu thereof.

Mr. Bell moved that the amendment do lie on the table.

Upon this the ayes and noes were demanded by Messrs. Hough and LaRue.

The ayes and noes being taken,

Those voting in the affirmative were,

Messrs. Bell, Boone, Bowman, Culbertson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—22.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—24.

So the motion to lie upon the table was not agreed to.

The following message was received from the House, by Mr. Holmes, the Clerk thereof :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed Senate Joint Resolution No. 3, being a joint resolution to make temporary provisions for the public printing, and the same is herewith returned to the Senate.

The question recurring on the amendment offered by Mr. Hough.

Mr. Dykeman asked for a division of the question.

It was agreed to.

The question being on the first part of the amendment to strike out the words "and one State librarian, in line 9, of page one of the resolution, and insert the same at the end of the resolution."

It was agreed to.

The question then being on the second part of the amendment, "to strike out the 21st of January," and insert the "17th of February" in lieu thereof.

The ayes and noes were demanded by Messrs. Slater and Winterbotham.

The ayes and noes being taken,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Roe, Scott, Sleeth, Thompson and Tobin—24.

Those who voted in the negative were,

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

So the amendment was adopted.

The question being upon the adoption of the resolution as amended.

It was agreed to.

Mr. Skinner moved that the Senate do now adjourn.

Which was agreed to.

THURSDAY MORNING.

JANUARY 21, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. George L. Curtis of Indianapolis.

Journal of yesterday read and approved.

The President laid before the Senate the report of the Trustees of the Wabash and Erie Canal.

Pending the reading thereof, Mr. Harney moved that the report lie upon the table, and 500 copies with accompanying documents be printed.

Which was agreed to.

S. P.—11

Which report is in the words and figures following, to-wit :

To the General Assembly of the State of Indiana :

The Board of Trustees of the Wabash and Erie Canal submit this, their twenty-eighth annual report for the year 1874.

It was stated in the report of the Board for the year 1873, made to the Governor on the 26th of March last, that the contractors for the maintenance of the Canal navigation (the Wabash and Erie Canal Company) had intimated an intention to abandon their contract with the Board of Trustees, which, by its terms, would not expire until the first day of July, 1878. This intimation was shortly after followed by a formal abandonment of the Canal and the contract, of which the Trustees were duly notified in the Spring.

As the Canal was thus suddenly surrendered to the Trustees, and they had no means at their disposal to maintain it, it seemed as if it must unavoidably be abandoned. The Trustees, however, on consultation with the Chief Engineer, and under his advice, appointed Wilson Smith, of Huntington, Superintendent, to take charge of it, with directions to protect the property and maintain navigation as far as possible, using the tolls and water rents for that purpose.

The reports of Mr. Williams, the Chief Engineer, and Mr. Wilson Smith, Superintendent, herewith submitted, set forth fully the present condition of the Canal and its structures, to which attention is especially called. By the wise and energetic management of the Superintendent, as exhibited in his report, he was able to preserve the property in the condition in which it was left by the contractors, without incurring any burden of debt ; but it is manifest that if the Canal is ever again to be opened for the use of the public, it must be done by other means than those in the hands of the Board, and by some other power. Any further effort on the part of this Board to maintain the navigation of the Canal would be fruitless, after the experience and results of the last contract made with the "Wabash and Erie Canal Company," as herein stated. When that contract was made, on the 23d June, 1866, it was expected that it would insure the permanent maintenance of the Canal. The Subscribed capital of the Company was \$150,000. The subscribers, numbering three hundred and seventy-nine members, were all citizens of

Indiana, residing in the counties of the Wabash Valley, and interested in maintaining the Canal, were prompted to the effort by that desire. By a statement transmitted to the Board, it appears that between June 23d, 1866, when the contract was made, and the surrender of the Canal in the Spring of 1874, about eight years, the contractors expended on the Canal for maintenance, repairs, and expenses, \$436,345.52. Tolls, and water rents, collected, were \$274,019.41. Leaving a deficit of \$162,326.11. Towards this deficit they received from the county donations, authorized by acts of the General Assembly, \$40,216.13. Leaving a very large sum to be made up by the private contributions of the subscribers, which may be regarded as their individual loss or sacrifice in their effort to sustain a public work for the benefit of the public. By the terms of the contract, which was to continue until 1st July, 1878, a considerable sum was to be paid annually to the Board towards the general expenses of the Trust; but no payment has ever been made and it remains an unsatisfied claim against them.

In a circular, addressed to the subscribers, under date of December 10th, 1874, it is stated that when the Company was formed in the summer of 1866, it was confidently believed that by the judicious expenditure of \$60,000, the Canal and its structures could be put in repair, from the Ohio State line to Terre Haute, and that the tolls and revenues thereof would not only hereafter keep the Canal in navigable order, but would in due time return the money advanced by the Company.

The expectations of the friends of the enterprise have not been realized, although every reasonable effort was made to accomplish the desired object. The rapid decay of the structures, and the unexpected injuries by floods, caused larger outlays of money than were anticipated, while the relentless opposition of Railroad Companies, and especially that of the Toledo, Wabash & Western Railway Company, cut down our tolls and reduced our income, so that it was found impracticable to keep the Canal up, and last March it was formally surrendered to the Trustees.

This state of things, in respect to the Canal, has attracted the attention of the holders of the certificates of indebtedness, chargeable on the Canal and the property held by the Board, in trust and security for their payment, and a suit has recently been instituted in the Circuit Court of the United States by Jonathan K. Gapin, the holder of a large amount of various classes of Wabash & Erie Canal Stock, in behalf of himself and all other holders of similar

certificates of indebtedness, against the Board of Trustees the object of which suits to enforce the lien of the holders of these certificates against the property pledged for their payment held by the Board of Trustees under the public debt act of 1846 and 1847, and praying the Court, for the reasons set forth in the bill of complaint, among other things to decree a sale of the Canal and its appurtenances, and a distribution of the proceeds among the holders of Canal indebtedness, according to their several rights and priorities.

By the public debt acts of 1846 and 1847, no provision was made for terminating the Trust, other than is specified in the 12th section of the Act of 1846, and 22d section of the Act of 1847, by which the State of Indiana reserved the right of terminating the Trust, *after* twenty years from the 19th January, 1846, by assuming or paying the balance of *principal* which might then remain unpaid. It was presumed when the acts were passed, that the security, (*viz.* the tolls and revenues and lands of the Canal, would be ample to pay, first, all the accruing interest on the debt; and secondly, to discharge the principal, or a large part of it, within twenty years, leaving only a balance of principal to be assumed or paid, whenever the State should exercise the right of redemption, reserved in the acts. The actual contingency which has occurred, *viz.* : the utter failure of the Canal as a productive work, was not for any reason then anticipated.

The constitutional amendment which has been adopted by the addition to the tenth article of the Constitution of the State is in the following words: "No law or resolution shall ever be passed by the General Assembly of the State of Indiana, that shall recognize any liability of the State, to pay or redeem any certificate of stock issued in pursuance of an act entitled an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19th, 1846; and an act supplemental to said act, passed January 27th, 1847, which by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of Canal lands, and the tolls and revenues of the Canal in said acts mentioned, and no such certificates of stocks shall ever be paid by this State." It is claimed that the State, by the adoption of this amendment, has relinquished the right of redemption and interest in the property, and the holders of Canal stocks, in the action referred to, insist that they are entitled to ask for the sale of the property, and distribution of the proceeds among the stockholders according to their

respective rights and equities. The Board of Trustees hold the property simply in trust for the specific purpose stated in the acts of 1846 and 1847. They have made every possible effort to sustain and perpetuate the Canal, and the measures which have been adopted to that end have been fully set forth in their reports to the General Assembly from year to year, from the beginning of the trust to the present time.

The action of the Board in regard to the suit, which has been instituted as above, will be under the advice and direction of eminent counsel, and the pleadings in the case will be communicated to the authorities of the State for their information, presuming that any proceeding involving the ultimate disposition of the Canal, and the property of the trust will be of interest to them and command their attention. The amount of the Canal debt (certificates of Canal stock chargeable on the Wabash and Erie Canal payments), was stated in the report of the Board for the year 1868, and there will be found appended to their report for the year 1872, a schedule of the holders of the certificates, with the residence and amount held by each one. This list is believed to be substantially correct, no material change having occurred since.

The Trustees can not refrain from again alluding to the great advantage in water transportation over all other modes of transit, and present some facts for the consideration of the General Assembly. This question of cheap transportation is already engaging the attention of Congress, and committees appointed to consider the best mode of sending the productions of the great West to the sea-board. The committees are making examinations into the best means of securing cheap transportation. The Legislatures of many of the States are engaged in the same work, and have already passed laws to induce or enforce a reduction of Railroad rates. The active class of producers, through voluntary organizations, have engaged in considering this question of freights; and in some States their influence is strongly felt in reducing them.

The line of the Wabash and Erie Canal is the only water route from Western and Northern Indiana to the great Lakes, and affords the only cheap mode of transportation to the sea-board, for a very large area of country. It is in fact, the natural channel for the trade of the Wabash valley and the upper counties of the State. In the last ten years there have been great changes in the Lake and Canal transportation. The application of steam to Canal navigation in New York, and the improvement in the Lake

Merchant Marine, has greatly enhanced the value of the Wabash and Erie Canal to the producers and shippers of this State. These improvements are noticed in the statements of the Toledo Board of Trade, and briefly brought out in review by a leading newspaper of this State. The following striking facts will challenge attention: "The Lake vessels used to carry from 20,000 to 30,000 bushels of wheat or corn. They required from eight to ten days to go from Chicago to Buffalo. Now we have large steam vessels carrying from 50,000 to 80,000 bushels, and towing a consort barge or two, each carrying as much or more than the steamer, and making the trip in from four to five days. The rate of freight paid the former vessels was from 10 to 15 cents per bushel. The rate of the latter, during the year 1874, averaged $4\frac{1}{2}$ cents per bushel on wheat. Here we have a great increase in speed and a great reduction in the rate of freight, and all of this by the introduction of steam within the last three or four years. This is most important to the interests of the West. The State of New York offered a prize of \$100,000 to any one who would give economical and practical steam navigation of the Canals. This has been accomplished by Wm. Baxter and others, and, as a consequence, Baxter steamers have run from Buffalo to New York in less than six days, as against fourteen required by the horse boats. They have cost but 10 cents per mile against 35 cents. The rate of freight has been reduced from 12 and 15 cents per bushel to 8 10. All this shows that there is progress in water navigation, and without it the immense products of the West to the East could hardly be moved. The Erie Canal does more business now than both of the New York Trunk Railroads, and with the improvements of the Erie Canal, soon to go into operation, it will carry more freight than all the trunk lines running from Montreal to Washington. Everything that cheapens the transportation of agricultural products is of interest to our people."

These results can not but arrest the attention of General Assembly, and presents the question to it: Can the Wabash and Erie Canal be allowed to go into disuse? A statement, carefully prepared by Wilson Smith, the Superintendent, shows that the ten counties of Indiana, through which the Canal passes, produced, in 1873, upwards of sixteen millions of bushels of wheat, corn and other grains. If the Canal, as a means of transportation in competition with railroads, saves the farmer only three cents per bushel,

that would make a difference of not less than \$480,000 on the products of those counties in a single year.

In conclusion, the Trustees repeat, with emphasis, the opinion expressed in their report of last year, viz. :

“There is probably no one route that should attract more attention, or that holds out greater inducements, or that would do more if improved, to solve the problem of cheap transportation, between the East and the West, than the Wabash and Erie Canal, looking at its terminal points of Toledo, at the head of Lake Erie, in the east, and Lafayette, Attica and Terre Haute in the valley of the Wabash, in the west. The expenditure of a comparatively small sum of money (say \$500,000) would put this canal, from one end to the other, in good condition, and thus establish one of the most valuable water lines, for the transportation of freight, to be found within the United States, west of Lake Erie.”

It may not be out of place to refer briefly to the organization of the Board of Trustees, and those who have composed it during the period of its operation for more than twenty-seven years past. The Trustees, therefore, append to this report a statement, showing the names of those citizens of Indiana who have at different times held the office of State Trustee by appointment of the Governor, or by election of the General Assembly; also the names of the Trustees elected by the bondholders, and the general officers of the Trust. It will be remembered, on reference to the table, that while there have been many changes in the office of State Trustee, within the period of the trust, there has been but a single change in those elected by the bondholders, and that was caused by the sudden and lamented death of Thomas H. Blake, on the 28th November, 1849, at Cincinnati, on his return from Washington, where he had been on the business of the Trust. His place was supplied by the election of Thomas Dowling, resident Trustee, on the 10th of April, 1850, who, with his associate, by successive re-elections by the bondholders, have held their office until the present time.

At the time of the organization of the Board in June, 1847, Jacob H. Hagar, Esq., of Terre Haute, was appointed Chief Clerk, and Secretary in charge of the books and accounts, and Jesse L. Williams, Esq., of Ft. Wayne, Chief Engineer, in general charge of the Canal and the works of construction.

William J. Ball, Esq., of Terre Haute, was appointed Assistant Engineer, and had immediate charge of the construction of that

portion of the Canal from Terre Haute to Evansville, under the direction and supervision of the Chief Engineer.

The two gentlemen first named have continued in connection with the Trust, and in the active and faithful discharge of their duties from its very beginning until the present time. Mr. Ball's services terminated some time after the completion of the Canal to Evansville, and not until it was finally abandoned, for the reasons fully set forth in the reports of the Trustees to the General Assembly at the time. The last services rendered to the Trust by this accomplished Civil Engineer, previous to his death in 1874, will be found in his able and exhaustive report on the water power of the Wabash and Erie Canal, and the leases thereof, made in July, 1871, and February, 1872, at the request of the Trustees, and appended to their report for the year 1871. These documents are of permanent interest on the subject to which they relate. That the Trustees have always acted in perfect accord and with unanimity, is attested by their reports, made from year to year to the General Assembly.

The lands included in the Vincennes District were to be applied specifically to the construction of the Canal south, between Terre Haute and Evansville, and to the repayment of the bondholders' advance of \$815,900, with interest at six per cent. thereon. This grant from Congress contained 793,485 acres. They were classified and appraised under the direction of the Governor of the State, (Gov. Whitcomb), in three classes. The first class were by the express provisions of the act, by which the Board were bound, subject to sale at a price *not exceeding* \$2.50 per acre, the second class *not exceeding* \$2.00, and the third class *not exceeding* \$1.25 per acre. In the classification there were—

In the 1st class.....	172,608	acres at \$2.50	\$ 431,720
In the 2d class	561,614 $\frac{48}{100}$	acres at 2.00	1,123,228
In the 3rd class	59,361 $\frac{24}{100}$	acres at 1.25	74,201
	<hr/>		<hr/>
	793,583 $\frac{72}{100}$		\$1,629,149

The total value of the grant, according to the appraisal, was \$1,629,149. They have nearly all been sold for about \$2.00 average per acre, and, by the accounts rendered, it appears that these lands are credited with \$1,563,121.98 for purchase money paid in for them. The balance is represented by lands in the reservoirs, and by balance due per lands contracted, and lands remaining unsold in the District.

It is proper to state that a number of acres of the land in the Vincennes District, were lost by failure of title, the lands having been previously sold by the United States. The Trustees append hereto a statement of receipts and disbursements on account of the Trust, from the origin of the Trust to the present time, showing the source from whence the receipts were derived, and what account and for what objects and purposes the same have been disbursed, the vouchers and accounts verifying this statement are in the office of the Trustee. Also, a statement of receipts and disbursements from December, 1873, to December, 1874. Also, a statement of sale of lands in Vincennes District.

CANAL LANDS.

There have been sold, as appears by the annual report of 1874, of the Canal Lands, in the Vincennes District, 1,089 90-100 acres, for the sum of \$2,441.28. Of the lands east and west of Tippecanoe, of which there is a small balance of \$3,506.29 yet remaining unpaid, there has nothing been paid during the past year. Indeed of the above apparent balance it is doubtful if any of it will ever be received, as the amounts apparently due have been on the books since the commencement of the Trust.

The balance remaining unsold of the lands in the Vincennes Land District is valued at \$47, 623.24.

The amount of the Suspended Debt yet unpaid, but in process of collection, is \$23,115.21.

The total assets of the Trust are, therefore—

Cash balance December 1, 1874.....	\$41,107 99
Lands in Vincennes district, valued at.....	29,623 24
Lands east and west of Tippecanoe, valued at.....	3,506 29
Suspended debt.....	23,115 21
Total.....	<hr/> \$97,352 73

The balance on hand in cash is on deposit in one of the banks in Terre Haute.

CHAS. BUTLER,
JAMES S. HINTON,
THOS. DOWLING.

Trustees' office, Wabash and Erie Canal, }
Terre Haute, January 20, 1875. }

Total of Receipts.

DISBURSEMENTS.

General expenses, including salaries of Trustees and Clerks, attorneys, office expenses, etc.....	\$373,652 18
Ordinary repairs of Canal	631,000 05
Extraordinary repairs of canal	211,411 11
Rebuilding bridges	28,112 49
Superintendence	91,571 46
Cost of collection	82,046 43
Construction, Covington to Coal Creek.....	5,495 51
“ Coal Creek to Terre Haute	383,477 84
“ Terre Haute to Point Commerce	378,073 79
“ Point Commerce to Newberry.....	158,954 78
“ Newberry to Maysville.....	178,519 40
“ Maysville to Evansville.....	979,036 67
Damages and water power.....	111,865 39
Clinton Drawbridge	17,314 45
Engineering.....	114,046 78
Land Office, Vincennes District.....	16,565 76
Land Office, east and west of Tippecanoe	23,881 32
Office, house and lot.....	8,000 93
Suspended debt and refundings.....	81,168 92
Interest paid in advance by bondholders and other- wise	605,370 93
Principal paid of advance by bondholders	244,940 00
Interest paid in Wabash and Erie Canal stock	112,439 18
Principal of four original Wabash and Erie Canal bonds, with interest.....	14,432 37
<hr/>	
Total	\$4,850,377 74
<hr/>	
Balance on hand December 1, 1874.....	\$41,107 99

General Statement of Receipts and Disbursements by the Board of Trustees of the Wabash and Erie Canal, from the commencement of the Trust, from the 1st of July, 1847, to the 1st day of December, 1874.

RECEIPTS.

Toll and water rents.....	\$1,657,710 42
Lands east and west of Tippecanoe.....	683,299 68

Lands in Vincennes District.....	1,563,121	98
Bondholders' subscription.....	815,900	00
Interest and exchange	63,185	88
Suspended Debt account	58,799	78
Rent paid by contractors.....	21,887	50
Office, house and lot.....	7,646	99
Wabash and Erie bonds (original).....	16,447	24
Miscellaneous.....	3,480	26

Total receipts.....\$4,891,485 73

There was also received in script, east and west of Tippecanoe, principal and interest, \$158,179.21.

Statement of Receipts and Disbursements of the Board of Trustees of the Wabash and Erie Canal, from December, 1873, to December 1, 1874.

RECEIPTS.

From what sources.

Balance on hand, as per last report.....	\$21,456	00
Suspended debts.....	23,115	21
Lands in Vincennes District	10,441	28
Miscellaneous.....	500	00

Total.....\$55,512 49

DISBURSEMENTS.

On what account.

General expenses of Trust, including salaries of Trustees, Clerks, office rent and attorneys' fees	\$13,080	00
Chief Engineer.....	1,200	00
Lands east and west of Tippecanoe.....	124	50

\$14,404 50

Balance on hand December 1, 1874.....\$41,107 99

On November 30th, 1869, there was charged to the Board of Trustees \$10,000, as collected from Suspended Debt, and also charged to Charles Butler, Trustee, New York. This amount was erroneously charged him, and the mistake was not discovered for some years, and is now deducted from the balance reported to the Governor last year.

Statement of sales of Lands in the Vincennes District, from the first day of December, 1873, to the first day of December, 1874.

DATE.	First Class. \$2.50 per acre.	Second Class. \$2.00 per acre.	Third Class. \$1.25 per acre.	No. of Acres.	Total purchase money.
December, 1873*.....	.....	.....	.....	.....	.....
January, 1874*.....	.....	.....	.....	.....	.....
February, 1874.....	200.00	.....	.....	200.00	\$500 00
March, 1874.....	.....	240.00	.....	240.00	400 00
April, 1874*.....	.....	.....	.....	.....	.....
May, 1874*.....	.....	.....	.....	.....	.....
June, 1874.....	280.00	106.94	.....	386.94	913 88
July, 1874.....	5.00	40.00	.....	45.00	92 50
August, 1874.....	37.96	180.00	.....	217.96	454 90
September, 1874*.....	.....	.....	.....	.....	.....
October, 1874*.....	.....	.....	.....	.....	.....
November, 1874*.....	.....	.....	.....	.....	.....
Total.....	522.96	566.94	.....	1,089.90	\$2,441 28

*No Sales.

Table showing the Officers comprising the Board of Trustees of the Wabash and Erie Canal from its organization, in 1847, to the present time, each for the term of three years, except Mr. Palmer.

	NAMES.	COUNTY.	HOW APPOINTED.
1	N. B. Palmer	Marion.....	By Governor
2	Austin M. Puett.....	Parke.....	By Legislature.....
3	Wm. R. Nofsinger...	Parke.....	"
4	Benj R. Edmonston*	Dubois.....	"
5	G. G. Barton.....	Daviess	"
6	Richard Raleigh.....	Vanderburgh ..	"
7	Jos. S. Hanna*.....	Tippecanoe	"
8	David M. Dunn.....	Cass	"
9	Robt. H. Milroy.....	Carroll.....	"
10	Jas. V. Mitchell.....	Morgan	"
11	Jas. S. Hinton.....	Marion	"
1847	Charles Butler	New York.....	By Bondholders.....
1847	Thos. H. Blake*.....	Terre Haute.....	"
1850	Thos. Dowling	Terre Haute	"
1847	J. L. Williams	Chief Engineer..	By Trustees.
1847	J. H. Hager	Chief Clerk.....	"

*Died during time of service.

CHIEF ENGINEER'S REPORT.

OFFICE OF CHIEF ENGINEER,
FORT WAYNE, December 16, 1874.

To the Board of Trustees of the Wabash and Erie Canal:

GENTLEMEN:—The most marked event connected with the management of the Canal during the year 1874, was the total abandonment, in January last, of the important contract for repairs, made by the Board, 23d June, 1866, with Messrs. A. P. Edgerton, Reed Case, Luther Jewett, and other parties of means and character, residing at Lafayette, Fort Wayne, and intermediate points, whose business interests connected them with the Canal.

This method of maintaining the Canal by repair contracts was forced upon the Board as early as 1859. It was then adopted as an expedient, affording the surest reliance for maintaining the Canal with its limited revenues, and the Trustees were careful to select, as

contractors, only men of character and those whose interest in the business of the Wabash Valley, would be likely to prompt them to the use of the utmost economy and care. The Trustees were also careful to retain the control, to be exercised through their Chief Engineer, (also an officer of the Trust,) of the plan and the time of making permanent repairs and the rebuilding of structures.

By reference to former reports, it will be seen that the first repair contract was made May 13, 1859. Among the parties to this contract, were A. P. Edgerton, Pliny Hoagland, Hugh McCulloch, O. Bird, and others. This contract was afterwards renewed with the same parties December, 1861, with certain modifications calculated to strengthen the work by authorizing the investment of capital in boats and otherwise, and was extended to 1873.

But the great floods in the Wabash in the early part of 1866, so damaged the large dam at Delphi, and several aqueducts and other structures, that the parties mentioned were unable and unwilling to repair the work, and this led to the consummation of the contract first above referred to, which was executed in June, 1866, and under which new parties were added to the original company by mutual agreement, "with large means and more extended business intests," as before stated.

The abandonment of their contract, just before the opening of navigation, greatly embarrassed those in charge of the Canal. It was manifestly out of their power to arrange a contract with new parties at so late a period with any promise of success.

Having thus been compelled to abandon the system of repair contracts, and fall back again to the former method, I have thought best to make this brief reference to the several contracts made since 1859, which contracts will be found fully set forth in the reports of the Board under their respective dates.

Under the circumstances, the policy adopted by the Trustees was manifestly the best possible, to-wit, the appointment of a General Superintendent, to take entire charge of the collection of tolls and water rents, and expend the same along the line as far west as the means available would open the work. Wilson Smith, who was appointed Superintendent, is well fitted for these duties by his long experience on the Canal, and his well known integrity and sound practical judgment.

Mr. Smith is now making his last tour of inspection through the entire Canal for the purpose of settling the accounts for the year, and will in a few days report the details of his supervision.

In the condition of the Canal, as herein stated, the amount of tolls and water rents received is, of course, small, amounting to \$7,179.61. The sum expended for repairs and salaries of Superintendent and those who have assisted him during the year, is \$5,997.03.

I am gratified to state that the re-building of the St. Mary's Aqueduct, at Fort Wayne, to the necessity of which reference has been made in several of my last reports, has been accomplished in a satisfactory manner during the past summer, under the immediate supervision of the General Superintendent, and in accordance with the plan prepared by the Chief Engineer several years ago. It may now be considered a substantial and safe structure for twelve or fifteen years to come. The means to rebuild this aqueduct were furnished by the Commissioners of Allen county.

The head-gates of the guard lock at St. Joseph Feeder have also been recently rebuilt. One of the abutments of the St Joseph Feeder Dam was rebuilt two years ago, and is in good condition, but the other one must be rebuilt the coming season.

The Trustees are, however, fully advised of the decayed condition of many of the wooden structures on the entire length of the Canal. They have been temporarily repaired as the limited means would allow, while the rebuilding has been necessarily postponed in many cases. Now the time has come when the general rebuilding should be undertaken. This necessity, however, applies chiefly to the class of smaller structures, together with many of the wooden locks, while the important dams and aqueducts are generally in good condition. All of the locks, stone and wood, need new plank floors and the side walls of all the wooden locks must be replanked, and many of the crib walls largely rebuilt. The Canal, in many places, needs thorough dredging. This would add materially to the practical load which the boats could carry.

From an estimate made, it is believed that \$550,000 would pay the expense of a full renewal of all the wooden structures, and also a thorough dredging of the Canal, from the State Line to Terre Haute, or \$450,000 if opened no further, at the commencement of any new contract, than to the excellent coal mines at the mouth of Coal Creek, thirty-six miles north of Terre Haute.

The number of boats owned and controlled on the Canal continues to diminish and it is not probable that many will be built

until there shall be a more assured prospect of keeping up the work.

The business of the Canal for the past year has been confined almost entirely to local transportation. No through cargoes have cleared for Toledo from any point south of Huntington, a portion of the Canal between Huntington and Peru not having been opened for lack of means. Not only were the tolls light, but the most of the counties seemed backward in donating money as heretofore, under the law providing therefor.

For further facts more in detail, I beg leave to refer the Board to the report of the General Superintendent.

Respectfully submitted,

J. L. WILLIAMS,
Chief Engineer.

SUPERINTENDENT'S REPORT.

To the Board of Trustees Wabash and Erie Canal:

GENTLEMEN:—The Canal was opened for navigation from Roanoke to State line of Ohio, June 2d. The delay was caused by rebuilding St. Mary's Aqueduct.

District No. 1, from Ohio Line to Huntington, 45 miles Canal, and 7 miles of St. Joseph Feeder.

Allen county appropriated the money to rebuild the aqueduct, clean the Canal, repair some small breaks, and repair lock. Allen county paid for the year 1874, the sum of \$4,126.34. There was a discount on \$1,865 of Allen county orders, amounting to \$93.25, which was paid from tolls and water rents.

After July 1st, the repair expenses was paid in full from revenues.

The amount received from tolls and water rents amounts

to.....	\$2,607 18
Expenditures for same time.....	2,112 20

Balance over expenses	\$ 494 98
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There is yet due the Canal fund on this District for tolls

and water rents, which will soon be collected, about....	\$ 600 00
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On July 31st, the Commissioners of Huntington county appropriated \$2,500 to repair Canal through Huntington. The repairs

were made and water let into the Canal as far as the forks of the Wabash, on the 20th of August. Owing to the amount of grass in the Canal, and the leaky condition of locks and aqueducts, navigation was not good till about the 1st of October, after which about 30,000 or 40,000 bushels of grain have been taken by boats from Huntington.

Besides paying for opening the Canal, Huntington County has paid for rebuilding abutment at Forks of Wabash, four gates for Roanoke locks, and two lock tenders, in all about \$1,268.38.

District No. 2, from Huntington to Peru, 33 miles.

Wabash County paid for repairing Lagro Dam, cost \$340, but refused to donate any money to clean Canal and mend breaks, and that portion of the Canal, from Wabash to Lagro, has been without water all summer. This District yielded no revenue from tolls, and the only water power is the Wabash Mill. The settlement has not been made with the mill, but the receipts and expenditures will be about equal.

District No. 3, Peru to Paragon Guard Lock, on slack water, 42 miles.

On this district there was no aid from counties, and, as there could not be through navigation, the receipts were necessarily light, only \$873 32
Expenses..... 760 37

Balance over expenses \$112 95
Water rents uncollected, about..... 250 00

District No. 4, from Paragon Guard Lock to Attica, 41 miles.

This District has some local trade, and quite a good water rent. Mr. Ten Eyck rendered very efficient aid in the management of this District.

The receipts on tolls and water rents amount to..... \$3,699 11
The expenses to..... 3,114 46

Balance over expenses..... 574 65

There is \$400 uncollected water rents in this District.

In addition to the above, on this district, the Superintendent made a contract with the owners of water powers at Pittsburgh to rebuild a portion of the west abutment and the west side of the guard lock at Pittsburgh. Also to repair the Pittsburgh dam, and protect the lower end of the west abutment, and take cost of the work in water rent.

The work is all done, and cost \$1,018.85. The settlement has been made and receipts given to the different parties to cover their water rent till the amount is liquidated. By the division of the cost of this work, James Mathews paid \$216.29, which pays water rent on his woolen mill till the first day of May, 1875. Vander-volgen, Fisher and Gregg paid \$493, which pays water rent on their flouring and saw mill till the 1st of January, 1875. Johnson Ward paid \$310.56, which pays water rent on his saw and lath mill till the 1st of July, 1875.

The abstract account for the expenses of the entire Canal, with the voucher for the same in full, accompanies this report. The prospect of using the Canal for navigation another season is not encouraging. A portion of the structures are in good order and will last for several years. The St. Joseph dam, the east abutment of the same; the guard lock of St. Joseph feeders, the St. Mary's aqueduct, the dam and abutments at Forks of the Wabash, Lagro dam, Pittsburgh dam and guard lock, Paragon guard lock and Wild Cat guard lock are all in a good condition.

The lift locks, without exception, are in bad repair, and can not be used much longer without being repaired and replanked. The leakage is so great that the levels can not be kept up in their present condition. The canal is so badly filled on bottom and sides that there is not capacity for the water to flow nor boats to navigate successfully. On the night of November 5th, some person or persons cut the berme bank of the Canal immediately over the culvert at Rattle Snake, in Carroll county. As the Canal was full of water, it made a very serious break; the water undermined the foundation of the culvert, causing the falling of the arches, as well as washing away about one thousand yards of bank. This will be an extensive structure to repair, and will cost between two and three thousand dollars. As the Superintendent did not have the means to repair the breach, it remains untouched. It will not receive much damage from high water, as that portion remaining will have to be removed before rebuilding. The Superintendent would call the attention of the Board to the bad condition of the locks and bottom of canal,

and will say that, without a single exception, every lock on the entire line, from the State line of Ohio to Terre Haute, is in bad condition, and will have to be partially rebuilt and thoroughly repaired, and that the canal will have to be well cleaned before it will be of any benefit. It is entirely useless to expect it to be of any public good in its present condition. In addition to the bad condition of the locks, there are four aqueducts that will require rebuilding: the Spy Run aqueduct ten miles west of Ft. Wayne, the Flint Creek aqueduct, and the Eel River aqueduct, will soon have to be rebuilt. The Superintendent, in conclusion, has to say that there were many embarrassments attending the care of the canal the past season. The boatmen paid toll very reluctantly, and only in part. The low water, and poor condition of the canal, prevented us from being too rigid, as it was very desirable to avoid law suits. I gave the canal my entire attention, and this report shows the results.

Respectfully submitted.

WILSON SMITH,
Supt. W. & E. Canal.

DECEMBER 17th, 1874.

Mr. Hough presented a petition from Melissa Cooper, seeking reimbursement for certain lands, etc.

Was read and referred to the Committee on Claims.

The President laid before the Senate a communication from the inmates of the Insane Asylum.

Was referred to the Committee on Benevolent Institutions without reading.

The President laid before the Senate a memorial from Job R. Pendleton, on the part of the ministry of the State, on the subject of Theological Education.

Was read and, on motion of Mr. Smith, referred to the Committee on Education.

Mr. Givan presented a petition from citizens of Dearborn county on the subject of amending the charter of the Aurora and Loughrey Turnpike Company.

Was referred to the Committee on Roads without reading.

Mr. Sleeth presented a petition from citizens of Rush county, on the subject of temperance.

Was referred to the Committee on Temperance without reading.

Mr. Beardsley presented a petition from the Synod of Indiana, North, of the Presbyterian church, on the subject of temperance.

Was read and referred to the Committee on Temperance.

Leave of absence was granted Mr. Johnson of Floyd, on account of sickness, until Monday next; also, to Mr. Dykeman, until to-morrow.

REPORTS FROM COMMITTEES.

Mr. Gooding, from the Committee on Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on Organization of Courts, to whom was referred Senate Bill No. 22, entitled "An act fixing the time for holding the Circuit Courts in the Thirtieth Judicial Circuit of the State of Indiana," have had the same under consideration, and direct me to report the same back with the recommendation that it do pass.

Read and placed on the calendar.

Mr. Chapman, from the Committee on Finance, made the following report:

MR. PRESIDENT:

Your committee, to whom was referred Senate Joint Resolution No. 4, entitled "A Joint Resolution making the Auditor of State the custodian of all records and papers in relation to the Sinking Fund," have had the same under consideration, and now report the same back to the Senate with the recommendation that it lie upon the table.

Was read and placed on the calendar.

The hour having arrived for the consideration of the special order, being Senate Bill No. 35, a bill repealing an act entitled "An act regulating interest on judgments."

On motion of Mr. Givan, it was postponed until to-morrow morning at 11 o'clock.

Mr. Thompson moved to suspend the order of business and take up Senate Joint Resolution No. 1.

Which was agreed to.

Mr. Thompson moved to suspend the constitutional rule requiring the reading of bills on three several days that Senate Joint Resolution No. 1, a Joint Resolution instructing our Senators and requesting Representatives in Congress to pension, by law, the soldiers of the Mexican war, may be read a third time now.

The ayes and nays being taken under the rule,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Howard, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—45.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Joint Resolution No. 1 was read a third time now.

The question being shall the joint resolution pass?

The ayes and nays being taken.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan,

Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—47.

No Senator voting in the negative.

So the joint resolution passed.

Ordered That the Secretary inform the House of the passage of the Joint Resolution.

Mr. Reed from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 26, entitled "An act to limit the number of grand jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws coming in conflict with this act," have had the same under consideration, and have instructed me to report the following substituted bill, and with the recommendation that the original and the substituted bill lie on the table.

Was read and placed on the calendar.

Mr. Reed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 65, entitled "An act regulating attorneys' fees," have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

Was read and placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 24, entitled "An act to provide for the mortgaging of the real estate of infants and persons of unsound minds by their guardians, under orders of proper courts," have had the same under consideration, and a majority of said Committee have instructed me to recommend the following amendments, to wit :

Strike out the 6th section of the bill, and when so amended recommend its passage.

Was read and placed on the calendar.

Mr. Friedley of Lawrence, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 117, entitled "A bill to amend section 19 of an act prescribing the powers and duties of Justices of the Peace and declaring an emergency," have had the same under consideration, and have instructed me to report the same back to the Senate recommending that the words as follows to wit, in line 14 and 15 of section one of said bill, "provided that no female shall be imprisoned," be stricken out and that section No. 2 of said bill be also stricken out, and after the same is so amended that it do pass.

Was read and placed on the calendar.

Mr. Daggy, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 2, entitled "An act prescribing that Justices of the Peace shall have original and exclusive jurisdiction in certain cases of misdemeanors have had the same under consideration, and directed me to

return the same back to the Senate, recommending its indefinite postponement.

Was read and placed on the calendar.

Mr. Friedley of Lawrence, from the Committee on Judiciary, made the following report:

MR. PRESIDENT :

A majority of the Committee on Judiciary, to whom was referred Senate Bill No. 36, entitled "An act declaring illegal and void agreements to pay attorney's fees contained in any bill of exchange, draft, promissory note, or other written evidence of indebtedness," have had the same under consideration, and have instructed me to report the same back to the Senate recommending that the same be amended as follows, by inserting after the word "agreements" in line No. 2, Section No. 1, the words "hereafter executed," and that Section No. 2 be stricken out of said bill, and after said bill is so amended that it do pass.

Was read and placed on the calendar.

Mr. Sleeth, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 53, entitled "An act to give married women their earnings," have had the same under consideration, and have instructed me to report back to the Senate that the same be indefinitely postponed.

Was read and placed on the calendar.

Mr. Sleeth, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 65, entitled "A bill for an act to prevent injury to buggies, carriages and vehicles at religious meetings and other public gather-

ings," have had the same under consideration, and have instructed me to report the same back to the Senate with a recommendation that it lie upon the table.

Was read and placed on the calendar.

Mr. Sleeth, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 64, entitled "An act to hold principals responsible for injuries happening to their employes by the negligence or incapacity of their co-employes in the same line of employment," have had the same under consideration, and a majority of the same have instructed me to report the same back to the Senate with a recommendation that it lie upon the table.

Was read and placed on the calendar.

Mr. Major, from the Committee on Education, made the following report:

MR. PRESIDENT:

Your Committee on Education, to whom was referred Senate Bill No. 102, entitled "A bill to require Township Trustees to levy a tax of fifty cents on each one hundred dollars worth of taxable property to pay debts incurred for the building of school houses," have duly considered the same, and now report the same back to the Senate with the recommendation that it be indefinitely postponed.

Was read and placed on the calendar.

Mr. LaRue, from the Committee on Education, made the following report:

MR. PRESIDENT:

The Committee on Education to whom was referred Senate Bill No. 72, entitled "An act to amend section three of an act entitled

'an act to render taxation for common school purposes uniform and to provide for the education of colored children of the State,' approved May 13th, 1869, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the following proviso be added to the first section, viz.:

Provided however, That whenever colored children are admitted to white schools under the provisions of this act it shall be the duty of the Township Trustees to provide for the seating of such colored scholars in a suitable part of the room by themselves, so far as practicable; *And provided further*, That nothing in the foregoing proviso contained shall interfere with the operation of the present law providing for graded schools, and when the bill is so amended, to recommend its passage.

Read and placed on the calendar.

Mr. Gooding, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations to whom was referred Senate Bill No. 106, entitled "An act to authorize incorporated towns to negotiate and sell bonds, etc., have had the same under consideration and direct me to report the same back with the recommendation that it do pass.

Read and placed on the calendar.

Mr. Hough, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The majority of the Committee on Corporations, to whom was referred Senate Bill No. 39, entitled "A bill repealing the first, second, third and sixth sections of an act authorizing the assessment of all the lands within one and one-half mile on either side, or within one and one-half miles of the terminus of any plank,

macadamized, or gravel road," etc., have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the same do lie upon the table.

Read and placed on the calendar.

Mr. Bowman, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 114, a bill to amend section 1 of an act entitled "An act to enable incorporated towns to lay out, open, grade and improve streets and alleys and make public improvements therein, and to make surveys and adopt plats, when the same have been lost or destroyed, and prescribing the duties of the board of trustees, and providing for the mode of making and improving streets and alleys, and declaring an emergency," approved April 28, 1867, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it lie on the table.

Was read and placed on the calendar.

Mr. Bunyan, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate Bill No. 123 entitled "An act to amend Section one of an act entitled 'an act to amend an act entitled an act providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto,'" approved March 5, 1859, and December 20, 1865, have had the same under consideration and instruct me to report the same back to the Senate with the recommendation that the emergency clause be stricken out, and when so amended that the same do pass.

Was read and placed on the calendar.

Mr. Howard, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 141, entitled "A bill authorizing the sale and conveyance of certain lands belonging to the State of Indiana, have considered the same and recommend that it be amended as follows, to wit: insert after the word "county," in line 16, page 2, the words "and the proceeds arising from the sale of the above described lands shall be credited to the College Fund."

Also, strike out on page 3, from line 6 to 8 inclusive, the words "lots No. 242 and 243, in the north burying grounds in Marion county," conveyed to the State by E. P. Reck and wife, and when so amended recommend its passage.

Was read and placed on the calendar.

Mr. Haworth from the Committee on County and Township Business made the following report :

MR. PRESIDENT :

The Committee to whom was referred Senate Bill No. 98, an act to amend section 40 of an act entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, and declaring an emergency, have examined it and after due consideration ordered it to be reported back to the Senate with the recommendation that the same do pass.

Was read and placed on the calendar.

Mr. Wilson, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 105, introduced by Mr. Baxter, entitled "A bill requiring County Auditors to publish a statement of all the

allowances made by the County Commissioners, have had the same under consideration, and directed me to report the same back to the Senate with the following amendment. Strike out so much of section one as reads "provided that the printing shall be paid for at the same rate as other printing is done," and insert, "provided, that the printing thereof shall not exceed five cents for each allowance," and being so amended, recommend the passage.

Was read and placed on the calendar.

Mr. Major, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No, 121, a bill entitled "An act providing for the election and prescribing certain duties of County Surveyors," approved June 17, 1852, have examined the same, and after due consideration ordered it to be reported back to the Senate with the recommendation that it be passed.

Was read and placed on the calendar.

Mr. Underwood, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 126, entitled "An act to repeal sections 271 and 273 of an act entitled 'an act to provide for a uniform assessment of property and for the collection and return of taxes thereon,' " approved December 21, 1872, have examined the same and after due consideration, ordered it to be reported back to the Senate with the recommendation that it be passed.

Was read and placed on the calendar.

Message from the House, by Mr. Holmes, the Clerk thereof:

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House

has adopted the amendments proposed by the Senate to the concurrent resolution fixing the time of holding a joint convention for the election of certain officers, said amendments providing that said election shall be held February 17, 1875, at 10 o'clock a. m. of said day, and that in the order of electing said officers the State Librarian shall be last chosen.

Mr. Sleeth offered the following resolution :

Resolved by the Senate, the House concurring therein, That the Chairman of the Senate, and House Committee on Prisons be and they are hereby authorized and instructed to jointly procure a first class expert in the examination of books and accounts to accompany the two committees when they visit the prisons, and that said committees be instructed, with the aid of such expert, to make a thorough and searching investigation of the books, accounts and business of said prisons, and that the said committees are further instructed to make a thorough investigation into all the business, management and affairs of said prisons, and the treatment of the prisoners, and also as to their sanitary condition, and for that purpose the committees are hereby authorized to send for persons and papers and to administer oaths by their chairman and to examine the prisoners and officers of the prisons in relation to all matters involved in their investigation.

Mr. Friedley of Lawrence moved to amend by striking out the the clause "employing an expert."

Mr. Harney moved that the amendment lie on the table.

Messrs. Friedley of Lawrence and Chapman demanded the ayes and noes.

The ayes and noes being taken.

Those who voted in the affirmative were,

Meessrs. Bell, Bunyan, Culbertson, Grove, Harney, Haworth, Henderson, Hendricks, Howard, Neff, Sarnighausen, Skinner, Slater, Sleeth and Winterbotham—15.

Those voting in the negative were,

Messrs. Baxter, Bearss, Boone, Bowman, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Hackleman, Hough, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Oliver, Peed, Ringo, Roe, Scott, Smith, Stockslager, Tobin, Underwood and Wilson—29.

So the motion to lay the amendment upon the table was not agreed to.

The question recurring on the amendment of Mr. Friedley of Lawrence, Mr. Boone offered the following amendment to the amendment:

Strike out the words "and instructed," in the fifth line, and insert in lieu thereof "if they shall deem it necessary."

Was agreed to.

The question recurring on the resolution as amended, Messrs. Harney and Sleeth demanded the ayes and nays.

The ayes and nays being taken.

Those who voted in the affirmative were,

Messrs. Baxter, Bell, Boone, Bowman, Bunyan, Cardwell, Cree, Culbertson, Davidson, Friedley of Lawrence, Givan, Grove, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Johnston of Parke, Oliver, Ringo, Sarnighausen, Slater, Sleeth, Smith, Stockslager and Winterbotham—27.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Chapman, Daggy, Hackleman, Humphries, LaRue, Major, Maxwell, Neff, Roe, Scott, Skinner, Tobin, Underwood and Wilson—16.

So the resolution as amended was adopted.

Mr. Neff offered the following resolution :

WHEREAS, The complaint among the people is universal that the cost in settling up decedents' estates is entirely too great, and that the length of time given for such settlement should be materially decreased ; therefore be it

Resolved, That a special committee be appointed to consist of five Senators whose duty it shall be to devise a better system for the speedy settlement of estates, having in view the saving of the property for the benefit of the heirs, and that said committee report by bill at an early day of this session of the General Assembly.

Which was adopted.

On motion of Mr. Oliver, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

Leave of absence was granted Messrs. Slater and Winterbotham, on committee business ; also, to Mr. Scott until to-morrow, and to Mr. Hackleman until Saturday.

Mr. Givan demanded a call of the Senate.

The roll being called, the following members answered to their names :

Messrs. Beardsley, Bell, Boone, Bowman, Buyan, Cardwell, Culbertson, Daggy, Davidson, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Henderson, Hough, Howard, Johnson of Parke, Major and Maxwell.

Pending the call, Mr. Sleeth moved to dispense with the further call of the Senate.

Which was agreed to.

Mr. Gooding introduced •

Senate Joint Resolution No. 9. A Joint Resolution on the improvement of navigation on the Ohio River.

Was read a first time and referred to the Committee on Federal Relations.

Mr. Thompson introduced

Senate Bill No. 147. A bill to authorize the purchase of toll bridges and plank, gravel, macadamized or turnpike roads, by boards of County Commissioners.

Was read a first time and referred to the Committee on Corporations.

Mr. Friedley of Lawrence introduced

Senate Bill No. 148. An act to authorize appeals from the Board of Commissioners of the different counties of the State, to the Circuit Courts, and in regard to the filing of undertakings for cost, docketing causes, filing transcripts and papers, trial of causes on such appeals, and the practice in relation thereto.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Friedley of Lawrence introduced

Senate Bill No. 149. A bill legalizing extensions of plank, gravel and turnpike roads beyond their terminal points mentioned in the articles of association of companies making such extensions, to authorize such companies to take tolls for travel over such extensions to be hereafter made, providing for the inspection of such roads and what shall be the effect of such inspections, and curing certain defects in the articles of association of such companies.

Was read a first time and referred to the Committee on Roads.

Mr. Baxter introduced

Senate Bill No. 150. A bill to authorize and empower manual labor schools organized and incorporated under the laws of this State, to accept and execute indentures of apprenticeship and to make such indentures transferable by such corporations, and prescribing the rights and duties of the transferee in case of such transfer.

Was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Winterbotham introduced

Senate Bill No. 151. A bill to authorize incorporated cities in this State to construct, extend, widen, deepen, repair and otherwise improve harbors, and for that purpose to condemn the lands of persons through or adjoining which such harbors may run, and to assess damages and benefits against adjoining land owners.

Was read a first time and referred to the Committee on Corporations.

Mr. Daggy, from the Committee on Enrolled Bills, reported that they had examined Senate Joint Resolution No. 1 and found the same correctly enrolled.

Mr. Bearss introduced

Senate Bill No. 152. An act to amend section 44 of an act entitled "An act regulating descents and the apportionments of estates," approved May 14, 1852.

Was read a second time and referred to the Committee on Judiciary.

Mr. Stockslager introduced

Senate Bill No. 153. A bill to amend section 178 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlements," approved January 17, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Beardsley introduced

Senate Bill No. 154. A bill to make further provision for the care and treatment of the insane.

Was read a first time and referred to the Committee on Benevolent Institutions.

Mr. Bearss introduced

Senate Bill No. 155. A bill supplemental to an act concerning the organization and perpetuity of voluntary associations and repealing former laws in reference thereto, approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, and providing the Boards of Commissioners of counties shall in certain cases allow for the support of orphan children who are cared for by associations organized under the third specification of this second section of said act, and requiring such orphan children to be furnished with homes as expeditiously as practicable, and making the senior commissioner in the service a member ex-officio of the Board of officers of such association, also providing that no distinction shall be made on account of the nativity, complexion, or religious belief of such orphan or their parents.

Was read a first time and referred to Committee on Benevolent Institutions.

Mr. Smith introduced

Senate Bill No. 156. A bill to amend section 18 of an act entitled "An act concerning the partition of land," approved May 20, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. LaRue introduced

Senate Bill No. 157. An act to amend the one hundred and fifty-third section of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein

named, and for the establishment and regulation of township libraries, and to repeal all laws in conflict therewith, providing penalties therein prescribed," approved March 6, 1865.

Was read a first time and referred to the Committee on Education.

Mr. Peed introduced

Senate Bill No. 158. A bill to amend the fifth section of an act entitled "An act to prohibit the collection of tolls on gravel, turn-pike, macadamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith," approved March 5, 1859, and declaring an emergency.

Was read a first time and referred to the Committee on Roads.

Mr. Oliver introduced

Senate Bill No. 159. A bill to secure to married women their inchoate interests in the real property of their husbands in cases of judicial sales, and to provide for the possession thereof.

Was read a first time and referred to the Committee on Judiciary.

Mr. Stockslager introduced

Senate Bill No. 160. An act to amend section 116 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Haworth introduced

Senate Bill No. 161. A bill to repeal sections seven and nine of an act to authorize and limit allowances by Courts and Boards of

Commissioners and drafts upon County Treasurers, approved May 27, 1852.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Daggy introduced

Senate Bill No. 162. A bill providing for the commencement and prosecution of criminal actions by information.

Was read a first time and referred to the Committee on Judiciary.

Mr. Daggy introduced

Senate Bill No. 163. An act to amend section two of an act entitled "An act fixing the time of holding Circuit Courts in the Thirteenth Judicial Circuit of this State," approved March 10, 1873.

Was read a first time and referred to the Committee on Organization of Courts.

Mr. Daggy introduced

Senate Bill 164. A bill to regulate and restrain dogs from running at large, and for the protection of sheep, and to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act entitled "An act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 15, 1852, approved March 2, 1865, and also repealing an act entitled "An act for the protection of sheep," approved June 15, 1852, and providing that nothing in this act shall be so construed as to conflict with or prohibit incorporated towns and cities from passing and enforcing ordinances regulating and prohibiting animals from running at large in as full and ample a manner as they are by law now authorized to do.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Daggy introduced

Senate Bill No. 165. An act making drunkenness a misdemeanor.

Was read a first time and referred to Committee on Temperance.

Mr. Daggy introduced

Senate Bill No. 166. A bill declaratory of the meaning and amendment of section 212 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Friedley of Lawrence introduced

Senate Bill No. 157. An act creating the Fortieth Judicial Circuit, fixing the time of holding courts therein, and also the time of holding the courts in the Tenth, Twelfth and Fifteenth Judicial Circuits, and for providing for the appointment of a Judge and Prosecuting Attorney in the Fortieth Circuit, and declaring an emergency.

Was read a first time and referred to the Committee on Organization of Courts.

Mr. Peed introduced

Senate Bill No. 168. An act to amend section 46 of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a first time and referred to the Committee on Judiciary.

BILLS ON SECOND READING.

Senate Bill No. 25. A bill to fix the times for holding the courts in the Thirty-fourth Judicial Circuit.

Was read a second time.

Mr. Beardsley moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be considered engrossed and read a third time now.

The ayes and noes being taken under the rule,

Those voting in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Cardwell, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Ringo, Roe, Sarnighausen, Skinner, Sleeth, Smith, Stockslager, Tobin, Underwood and Wilson—40.

No Senator voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 25, a bill to fix the time of holding courts in the Thirty-fourth Judicial Circuit was read a third time.

The question being, shall the bill pass?

The ayes and noes being taken, now.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunnan, Cardwell, Cree, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver,

Peed, Ringo, Roe, Sarnighausen, Skinner, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—43.

So Senator voting in the negative.

So the bill to passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Senate Bill No. 63. An act empowering the Board of Trustees of incorporated towns in this State, by ordinance, to prohibit the sale, bartering or giving away of intoxicating liquors within the corporate limits of any town, to be drank upon the premises or appurtenances or the premises whereon sold, by any person without a license or permit thereunto authorizing him, first obtained by grant of and issued upon the direction of such Board, and to prescribe the notice and conditions upon which such license or permit shall be applied for and granted, and to fix a penalty for the violation of such ordinance, and making all fees received for licenses or permits issued under such ordinance, and all penalties collected for violation of such ordinance, a part of the tuition fund of the common schools of the town in which such ordinance is obtained, and providing for the collection of the penalties for violations of such ordinance by civil action in the Circuit Courts of the county in which such town is situated, and declaring an emergency.

Was read a second time.

Mr. Johnston of Parke offered the following amendment: to amend by striking out of the 16th and 17th lines of the enacting clause the words "a part of the tuition fund of the common schools" and inserting in lieu thereof the following: "a part of the general fund;" and to amend the second section by striking out of 7 and 8 lines of the third page the words "tuition fund of the common schools," and inserting in lieu thereof the following, "a part of the general fund."

The President laid before the Senate the following communication :

MR. PRESIDENT

AND GENTLEMEN OF THE SENATE :

I have the honor to acknowledge the receipt of a copy of the resolution adopted by your honorable body on the 15th inst., requesting my opinion upon sundry questions relative to the office of the State Superintendent of Public Instruction. The resolution recites that at the general election held in October, 1872, the Hon. Milton B. Hopkins was duly elected to said office, and on the 15th day of March, 1873, qualified and entered upon the duties of the same, and afterwards, while holding said office, on the 16th day of August, 1874, departed this life ; that on the 20th day of August, 1874, His Excellency, the Governor, appointed Hon. Alexander C. Hopkins to fill the vacancy in said office, created by the death of Milton B. Hopkins, for the remainder of his official term ; that afterwards at the general election, held on the 13th day of October, 1874, the Hon. J. H. Smart was duly elected to said office ; that Hon. Alexander C. Hopkins still holds said office under the appointment aforesaid.

Upon the above statement of facts, I am requested in the resolution to furnish to the Senate my opinion as to the matters of law, as follows :

First. Had the Governor the power under existing laws to appoint Mr. Alexander C. Hopkins to fill the remainder of the official term of his predecessor or only fill vacancy until after the next general election.

Second. Was the Hon. J. H. Smart legally entitled to the office immediately after his election and qualification ; and if so would he be entitled to hold the same for the unexpired term of his predecessor only, or for a term of two years from his election. In other words when did or when will his term of office begin.

Third. If the Superintendent elect was entitled to the office immediately upon his election and qualifications can he legally decline to qualify or accept the office until after the commencement of a new term of said office as fixed by the statute and then take and hold it under his election.

Fourth. What is the legal status of the office above named?

I have the honor to answer that I have given the above inquiries a most careful consideration and that my opinion upon the matter of law involved is as follows:

First. That it was the duty of the Governor to fill the vacancy in the office of the State Superintendent of Public Instruction created by the death of Hon. Milton B. Hopkins, by the appointment of his successor to hold said office for the remainder of the unexpired term or in other words until the 15th day of March, 1875, and until the successor of said appointee should be elected and qualified.

2d. That the Hon. J. H. Smart was not elected to fill a vacancy in said office commencing after his election and expiring on the 15th day of March, 1875, but that he was elected for the period of two years to commence on the 15th day of March, 1875; that Hon. A. C. Hopkins is entitled to discharge the duties of said office until said time and until his successor shall qualify, etc. Section 18 of article 5 of the constitution of Indiana in defining the powers and duties of the Governor, provides that "when, at any time, a vacancy shall have occurred in any other State office, or in the office of judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified." The act to provide for a general system of common schools, etc., approved March 6, 1865, provides that there shall be elected by the qualified voters of the State, at a general election, a State Superintendent of Public Instruction, who shall hold his office for two years. His official term shall commence on the fifteenth day of March succeeding his election. Sections 119 and 120.

Alex. C. Hopkins was appointed by the Governor to fill the vacancy in said office. Of course in any inquiry as to when the official term of Mr. Smart begins it is necessary first to determine when the official term of said appointment expires. It was the duty of the Governor to fill the vacancy until a successor shall qualify as well as be elected.

The successor, Mr. Smart, can not qualify, in my opinion, until the time arrives which the legislature has fixed for that purpose. The constitutional provision quoted above has left to the Legislature the duty of fixing the date at which a person elected to the office in

question shall qualify, and the Legislature accordingly has specified the 15th day of March, after the election. Mr. Smart was not elected to fill a vacancy. The constitution provides that a vacancy in the office in question is to be filled not by an election but by an appointment of the Governor. Mr. Smart, elected under the provisions of the act of 1865, quoted above, and according to the language, shall hold his office two years. His official term shall commence on the 15th day of March succeeding his election. In obedience to the constitutional provision, the Governor appointed Alexander C. Hopkins to fill the vacancy in the office created by the death of its incumbent. I think the decisions of the Supreme Court plainly indicate that the vacancy in the office was the vacancy in the official term of Milton B. Hopkins, deceased. That official term will not expire until the 15th day of March next.

Our Supreme Court has declared that an office with fixed election term may be abandoned by its incumbent, or may be vacated of that incumbent by the act of God * * * * but the term itself can only legally expire by the efflux of time." (See *Biddle vs. Willard*, 10 Ind., 62; and *Baker vs. Kirk*, 33, 577.) Without trespassing upon your honorable body with any further reasoning in support of the opinion which I have stated in answer to your resolution, I desire to state, as due to the present incumbent of the office, Hon. A. C. Hopkins, that he made inquiry of my predecessor as to the time when his term, under the appointment would expire, before accepting such appointment, and that the opinion of the then Attorney General was the same as I have arrived at. It is proper also to add that I understand that the views herein expressed are in accordance with the executive precedent in the case of Col Farquhar, who was appointed by Governor Baker to fill the vacancy in the office of Secretary of State, occasioned by the death of Hon. Norman Eddy. The commission in that case was substantially in the same language as that to Mr. Hopkins, and Col. Farquhar held the office until the 16th day of January, 1873, which was the expiration of Col. Eddy's term of office, and at which time Hon. W. W. Curry, (elected in October, 1872,) qualified for the term of two years, expiring January 16th, 1875.

Very Respectfully,

C. A. BUSKIRK,

Attorney General.

The question recurring on the amendment of Mr. Johnson of Parke Mr. Sarnighausen moved to recommit the bill and amendment to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Bunyan moved that the motion to recommit do lie on the table, pending which a message from the House by Mr. Darnell, and announcing that the House was ready to receive the Senate in Joint Session to receive the petitions on the subject of Temperance.

Mr. Sarnighausen moved that immediately after the close of the Joint Session the Senate stand adjourned until to-morrow morning, 10 o'clock.

Which was agreed to.

Leave of absence was granted Mr. Friedley of Lawrence until to-morrow morning.

The Senators then proceeded to the Hall of the House.

The Senate standing adjourned until to-morrow morning, 10 o'clock.

LEONIDAS SEXTON,
President of the Senate.

FRIDAY MORNING.

JANUARY 22, 1875, 10 O'CLOCK.

In the absence of the President, the Senate was called to order by the Assistant Secretary.

On motion by Mr. Daggy, Mr. Dykeman took the chair.

The Throne of Grace was addressed by the Rev. J. E. Brant, of the Olivet Presbyterian church of Indianapolis.

Journal of yesterday read, corrected and approved.

Leave of absence was granted to Mr. Oliver until this afternoon, 2 o'clock ; also to Mr. Major until Tuesday morning, and to Mr. Peed until Tuesday, 2 o'clock p. m.

The President announced the following select committee on resolution of Senator Neff to report a bill to simplify the settlement of estates :

Messrs. LaRue, Boone, Howard, Peed and Neff.

Mr. LaRue asked to have the reference of Senate Bill, No. 153 and 160 transferred from the Judiciary Committee to to this select committee.

Which was agreed to.

Mr. Sleeth asked to have Senate Bill No. 138 on the same subject referred to the same select committee.

Which was agreed to.

PETITIONS, MEMORIALS, REMOMSTRANCES, ETC.

By Mr. Daggy, a petition from citizens of Putnam county on the subject of temperance.

Was referred to the Committee on Temperance without reading.

By Mr. Davidson, a petition from the citizens of Gibson county on the same subject.

Was referred to the Committee on Temperance without reading.

By Mr. Wilson, a petition from the citizens of Sullivan county for the relief of John Scott and others.

Was referred to the Committee on County and Township Business without reading.

The question recurring upon the motion of Mr. Bunyan to lie on the table, the motion of Mr. Sarnighausen to recommit Senate

Bill No. 63 with amendments to the Committee on Rights and Privileges of the Inhabitants of the State.

It was not agreed to.

The motion to recommit was then agreed to.

Mr. Bunyan from the Committee on Roads, made the following report :

MR. PRESIDENT :

Your Committee on Roads, to whom was referred Senate Bill No. 59, "An act to amend section twenty-nine of an act entitled 'an act providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto,'" approved March 5, 1859, have considered the same and recommend that the bill accompanying this report be substituted in lieu thereof, and that the bill do pass.

Was placed on the calendar.

Mr. Givan, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate Bill No. 41, entitled "An act limiting the number of Justices of the Peace in each township, prescribing their jurisdiction, and requiring them to use a seal, and repealing all laws in conflict with the provisions of this act," have had the same under consideration, and instructed me to report the same back to the Senate with the recommendation that it lie on the table.

Was placed on the calendar.

Mr. Scott from the Committee on Federal Relations, made the following report :

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred Senate Bill No. 19, an act to authorize the United States of America

to aquire title to lands in certain cases, direct me to report the same back to the Senate with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Sarnighausen offered the following resolution :

WHEREAS, Two hundred copies of the annual report of the officers of the State of Indiana and of the Trustees and Superintendents of the several Benevolent, Reformatory and Educational Institutions thereof, for the year ending December 31st, 1873, have been furnished to the State Librarian for the members of the General Assembly ;

Therefore, Resolved, That the State Librarian be, and is hereby requested to furnish every member of the Senate with a copy thereof.

Which was adopted.

The hour having arrived for the consideration of the Special Order, being Senate Bill No. 35, a bill repealing an act entitled "An act regulating the interest on judgments."

Mr. Givan moved to postpone the same until 2 o'clock p. m., of Tuesday next.

Was agreed to.

Mr. Bell, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangements of Bills, have had under consideration Engrossed Senate Bill No. 25, and have directed me to recommend that the phrase "issued out or," in the eighth and ninth lines of page three of said bill as engrossed, be stricken out.

Which was concurred in.

BILLS ON FIRST READING.

Mr. LaRue introduced

Senate Bill No. 169. A bill to provide for recording notices of pending suits, attachments and levies affecting real estate in certain cases.

Was read a first time and referred to the Committee on Judiciary.

Mr. Skinner introduced

Senate Bill No. 170. A bill empowering women to appoint and constitute attorneys in fact to convey real estate, and for other purposes, and legalizing letters or powers of attorney therefor made.

Was read a first time and referred to the Committee on Judiciary.

Mr. Johnston of Parke introduced

Senate Bill No. 171. A bill to amend the 1st, 2d and 3d sections of an act entitled "An act regulating the sale of county property and the lettings of buildings and bridges, fences and monuments, and declaring an emergency," approved December 23, 1872.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Baxter introduced

Senate Bill No. 172. A bill providing for the re-organization and government of State Prisons, for the appointment of a Board of Commissioners to have charge of the same, and an oversight of the county jails and other prisons of the State, and for repealing all conflicting laws.

Was read a first time and referred to Committee on Prisons.

Mr. LaRue introduced

Senate Bill No. 173. A bill to provide for allowance by county oads in certain cases.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Thompson introduced

Senate Bill No. 174. A bill to regulate and license the sale of spiritous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof.

Was read a first time and referred to the Committee on Temperance.

Mr. Wilson introduced

Senate Bill No. 175. An act to regulate and license the sale of intoxicating liquors, declaring what liquors are intoxicating, providing for the publication of the number of physicians' prescriptions issued, prohibiting the sale of intoxicating liquors to a person in the habit of being intoxicated, or in the state of intoxication, or to a minor, repealing all laws or parts of laws conflicting with this act, prescribing penalties for its violation, and declaring an emergency.

Was read a first time and referred to the Committee on Temperance.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred with the Senate in the passage of the following resolution, to wit:

Be it resolved by the General Assembly of the State of Indiana, That our Senators in Congress be instructed and our Representatives in Congress requested to use all their influence to secure the passage of a law granting, without favor or discrimination, to those who served in the Mexican war, for a period of sixty days or more, and were honorably discharged, the small sum of eight dollars per month during their natural lives.

I am further directed by the House to inform the Senate that the House has passed Senate Joint Resolution No. 1, being a resolution

instructing our Senators and requesting our Representatives in Congress to pension by law the soldiers of the Mexican war, and said resolutions are herewith returned to the Senate.

Mr. Slater, by unanimous consent, offered the following resolution :

WHEREAS, Individual rights and public justice demands that the people of Wayne county should be represented in this Senate by a majority of the qualified voters of said county ; and,

WHEREAS, The Committee on Elections of this Senate have now had the papers in contest between Messrs. Jeffries and Baxter before it for over one week without making a report to this Senate ; therefore, be it

Resolved, That said committee be instructed to report their action in the premises to this Senate at the earliest possible time.

Which was adopted.

On motion of Mr. Bunyan, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate reassembled, President in the chair.

Mr. Davidson introduced

Senate Bill No. 176. A bill to amend sections 1, 2, 4 and 15 of an act entitled "An act to limit the number of grand jurors and to point out the mode of their selection, defining their jurisdiction and repealing all laws inconsistent therewith," approved March 4, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Boone introduced

Senate Joint Resolution No. 10. A joint resolution proposing amendments to the Constitution of the State of Indiana.

Was read a first time, and referred to the Committee on Judiciary.

SENATE BILLS ON SECOND READING.

Senate Bill No. 39. A bill repealing the first, second, third and sixth sections of an act authorizing the assessment of all the lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled "An act authorizing the construction of plank, macadamized and gravel roads," approved May 12, 1852, when the subscription to such roads amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessments; *Provided*, The lands are situated within the county in which such road is located," approved March 11, 1867, and all other laws authorizing the assessment and collection of any taxes or assessments for the construction of said roads, and declaring an emergency therefor.

Was read a second time.

Mr. Bearss moved to recommit the bill to the Committee on Roads.

Which was agreed to.

Senate Bill No. 10. A bill to regulate public warehouses and warehousing and inspecting and mixing grain, providing for the appointment of inspectors of grains, making warehouse receipts assignable, prescribing the duty of warehousemen and inspectors of grain, and providing penalties.

Was read a second time.

Mr. Harney moved that the bill do lie on the table, and two hundred copies be printed.

Which was agreed to.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 129, entitled "An act to amend an act to incorporate the Indiana Fire and Insurance Company," and declaring an emergency, and the same is herewith transmitted to the Senate for its action.

Mr. Bell moved that when the Senate adjourn it be until Monday next at 2 o'clock p. m.

The ayes and noes being demanded by five Senators.

Those who voted in the affirmative were,

Messrs. Bell, Bunyan, Cree, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Grove, Henderson, Hendricks, Howard, LaRue, Peed, Ringo, Roe, Sarnighausen, Scott, Skinner, Sleeth, Smith, Stockslager, Thompson, Underwood and Winterbotham—25.

Those voting in the negative were,

Messrs. Beardsley, Bearss, Boone, Bowman, Cardwell, Chapman, Culbertson, Givan, Gooding, Harney, Haworth, Hough, Humphries, Johnston of Parke, Maxwell, Neff, Oliver, Slater, Tobin and Wilson—20.

So the motion was agreed to.

Mr. Bell introduced

Senate Bill No. 177. An act to amend an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Was read a first time and referred to the Committee on Corporations.

Mr. Stockslager, by unanimous consent, introduced the following resolution :

Resolved, That the reporter of Supreme Court be, and he hereby is, requested to inform the Senate of the number of volumes of Indiana Reports sold by him each year during his term of office, exclusive of the number furnished the State and the actual cost per volume of printing and binding the same.

Which was adopted.

By unanimous consent, Mr. Sleeth offered the following resolution :

Resolved, That it is the sense of the Senate that the Committee on Temperance should incorporate into any bill which they may report to the Senate on the subject of temperance, a provision making it alike criminal on the part of the purchaser and seller of intoxicating liquors, in all cases where such sale is made in violation of law.

Mr. Daggy moved that the consideration of the resolution be postponed until Thursday next.

Was agreed to.

Mr. Johnston of Parke, from the Joint Committee on Enrolled Bills, made the following report :

The Joint Committee on Enrolled Bills have carefully compared Senate Joint Resolution No. 1, being a joint resolution instructing our Senators, and requesting our Representatives in Congress to pension by law the soldiers of the Mexican war, with the original resolution, and direct me to report that the same is correctly enrolled.

Mr. Johnson, from the same committee, made the following report :

The Joint Committee on Enrolled Bills have carefully compared Enrolled Senate Joint Resolution No. 3, being a joint resolution to make temporary provision for the public printing, with the original resolution, and direct me to report that the same is correctly enrolled.

Mr. Sleeth introduced

Senate Bill No. 178. An act requiring the officers of certain corporations therein named to make out and publish annual statements, and providing penalties for the violation thereof.

Was read a first time and referred to the Committee on Corporations.

Senate Bill No. 20. A bill prescribing that Justices of the Peace shall have original and exclusive jurisdiction in certain cases of misdemeanors.

Was read a second time.

On the question of concurring in the report of the committee to indefinitely postpone the further consideration of this bill, Messrs. Slater and Winterbotham demanded the ayes and noes.

The ayes and noes being taken,

Those who voted in the affirmative were,

Messrs. Beardsley, Bell, Boone, Bowman, Bunyan, Chapman, Daggy, Davidson, Friedley of Scott, Gooding, Haworth, Hendricks, Hough, Johnston of Parke, Neff, Oliver, Peed, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Underwood and Winterbotham—27.

Those who voted in the negative were,

Messrs. Bearss, Culbertson, Givan, Harney, Henderson, Howard, Humphries, LaRue, Maxwell, Ringo, Roe, Tobin and Wilson—13.

So the report was concurred in and the bill indefinitely postponed.

Senate Bill No. 21. A bill to prohibit the sale, gift or bartering of deadly weapons or ammunition therefor to minors.

Was read a second time.

Mr. Harney moved that the bill do lie upon the table.

Messrs. Smith and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Harney, Hendricks, Howard, Sarnighausen, Skinner, Slater, Smith and Winterbotham—13.

Those who voted in the negative were,

Messrs. Bearss, Bunyan, Chapman, Daggy, Friedley of Scott, Gooding, Haworth, Hough, Humphries, Johnston of Parke, LaRue, Maxwell, Neff, Oliver, Ringo, Roe, Scott, Sleeth, Stockslager, Thompson, Tobin, Underwood and Wilson—23.

So the motion to lie on the table was not agreed to.

Mr. Daggy moved to recommit the bill to the Committee on Military Affairs.

Mr. Boone moved that the committee be instructed to insert in the proper place, fire-crackers, gun cotton and nitro glycerine.

Which was not agreed to.

The question recurring on the motion of Mr. Daggy to recommit the bill to the Committee on Military Affairs.

It was agreed to.

Senate Bill No. 26. An act to limit the number of grand jurors and to point out the mode of their selection, defining their jurisdiction, and repealing all laws coming in conflict with this act.

Was read a second time.

With Senate Bill No. 179, (reported by the Judiciary Committee as a substitute,) on regulating the number of grand jurors and the manner of their election and defining their jurisdiction.

The question being on concurring in the report of the Committee.

Mr. Thompson demanded a division of the question.

The question first being on the recommendation of the Committee that Senate Bill No. 26 do lie upon the table.

It was agreed to.

The question then being that the substitute Senate Bill No. 179 do lie upon the table.

It was not agreed to.

Mr. Smith moved to recommit the bill to the Committee on Judiciary with instructions.

Which was agreed to.

Senate Bill No. 24. An act to provide for the mortgaging of real estate of infants and persons of unsound mind by their guardians under the order of the proper court.

Was read a second time and the report of the Committee was concurred in.

On motion by Mr. Bell, the Senate adjourned until Monday afternoon, 2 o'clock p. m.

MONDAY AFTERNOON.

JANUARY 28, 1875, 2 O'CLOCK.

Senate assembled, President in the chair.

Journal of Friday 23d inst., read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Bunyan, petition from citizens of the State on the subject of temperance.

Was referred to the Committee on Temperance without reading.

By Mr. Hough, from the citizens of Johnson county on the same subject.

Was referred to the Committee on Temperance without reading.

By Mr. Hough, petitions from citizens of Henry and Rush counties on the subject of compulsory education.

Was read and referred to Committee on Education.

REPORTS.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 130, a bill to amend section fifty-four of an act entitled "An act to revise, simplify and abridge the rules, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and direct me to report as follows :

To amend the same by inserting after the word "follows" in the 16th line of first page the following to wit : "Section fifty-four," and to further amend by striking out the second section of said bill, and when so amended they recommend its passage.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill

No. 166, "A bill declaratory of the meaning and amendment of section 216 of an act entitled "An act to revise and simplify and abridge the rules, practice, pleading and forms in civil cases in courts of this State to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration and have directed me to report back to the Senate with recommendation that the same is covered by the Senate Bill No. 127.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 96, a bill concerning the sale of real estate of married men by virtue of judgment and decrees of courts in this State, in which their wives are not parties defendant, and thereby prescribing the right of such wives.

Also, Senate Bill No. 159. A bill to secure to married women their interest in the real property of their husbands in cases of judicial sales, and to provide for the possession thereof, have had the same under consideration, and a majority of said committee have instructed me to report the same back with a recommendation they lie upon the table, and report the accompanying bill upon the same subject in lieu of the said bills, and to recommend the passage of the substituted bill.

Was placed on the calendar.

The President announced that he had signed Enrolled Senate Joint Resolution No. 3, and Senate Joint Resolution No. 1.

SUBSTITUTED BILL.

Senate Bill No. 190. A bill vesting the inchoate interest of married women in the lands of their husbands, when the title of the husband therein has been divested by certain judicial sales, providing

for the possession thereof, and the descent of such vested estate, and matters connected with such sales.

Was read a first time.

Message from the House by Mr. Holmes clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that he has signed Enrolled Senate Joint Resolution No. 1, pensioning (no title) soldiers of the Mexican war, and Senate Joint Resolution No. 3, a joint resolution to make temporary provision for the public printing, and the same are herewith returned.

Mr. Daggy, from the Committee on Judiciary, made the following report :

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 55, entitled "An act to amend section 16 of an act entitled 'an act concerning real property and the alienation thereof,'" approved May 6, 1852, have had the same under consideration and directed me to return the same recommending its passage.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 97, An act defining who shall be competent witnesses in any court or judicial proceeding in this State, repealing all laws in conflict with the provisions of this act, and declaring an emergency, have had the same under consideration and instructed me to report the same back to the Senate with a recommendation that it be indefinitely postponed.

Which was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 87, A bill to provide against intoxication on the part of public officers and providing for the removal of officers therefor, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate with the following amendment, viz. :

Amend by inserting after the word "shall," 7th line, 1st page, the word "voluntarily;" also, line 8, page 1, after the word "intoxicated," insert the words "within the business hours of his office, or shall be in the habit of becoming intoxicated," also, 5th line, 2d page, after the word "has," insert the word "voluntary," and after the word "intoxicated," 6th line, 2d page, insert the words "within the business hours of his office, or shall be in the habit of becoming intoxicated," and when so amended recommend its passage.

Was placed on the calendar.

Mr. Sleeth, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Resolution No. 25, a resolution instructing the Committee on Judiciary to prepare an amendment to the act of December 21, 1872, changing the time of assessment of real estate to once in five years instead of two as now provided, have had the same under consideration and have instructed me to report the same back to the Senate with the suggestion that there has already been one or more bills introduced in the Senate on that subject which are now in the hands of other committees, and they recommend that the resolution be referred to the committee having such bill in charge.

Was read and referred to the Committee on Finance.

Mr. Sleeth, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 152, "A bill to amend section 24 of an act entitled 'an act regulating descents and the apportionment of estates,'" approved May 14, 1852, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that it be indefinitely postponed.

Was placed on the calendar.

Mr. Scott, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred Senate Bill No. 157, entitled "An act to amend the one hundred and fifty-third section of an act entitled 'an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'" approved March 6, 1865, have had the same under consideration, and have directed me to report the same back to the Senate with a recommendation that it do pass.

Was placed on the calendar.

Mr. Boone, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred Senate Bill No. 91, entitled "An act to amend section 9 of an act entitled 'an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing certain fees for the officers

therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'” approved March 5, 1865, have had the same under consideration, and have directed me to refer the same back to the Senate with the recommendation that it do lie upon the table.

Was placed on the calendar.

Mr. Grove, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate Bill No. 134, entitled “A bill authorizing the erection of gates across certain highways, declaring it to be a misdemeanor to remove or injure the same, and providing penalties therefor,” have had the same under consideration, and direct me to report the same back to the Senate recommending that the bill lie upon the table.

Was placed on the calendar.

Mr. LaRue offered the following resolution :

Resolved, That the Committee on Finance be instructed to enquire into the expediency of so amending the law for the collection of taxes and to provide that whenever any real estate has been offered for sale for two or more consecutive years for delinquent taxes that it shall be the duty of the Treasurer of the proper county to report the fact with the name of the owner, and the description of the property as the same appears on the duplicate, to the Board of Commissioners of such county, and that it shall be the duty of the Board of Commissioners to employ an attorney to foreclose, in the corporate name of the county, the lien upon such lands created by such delinquencies, and that upon such proceedings the court shall ascertain the true amount for which said lands are liable and shall order the sale of such lands or as much thereof as may be necessary to satisfy such lien for taxes as other land and sold on execution, and that said Board shall not allow for attorney fees more than three per cent. on the first three hundred dollars of taxes recovered in such cases, and five per cent. on the excess.

Which was adopted.

Mr. Neff introduced

Senate Bill No. 186. An act regulating the transportation of passengers by railroad companies, and prescribing penalties for its violation.

Which was read a first time and referred to the Committee on Railroads.

Mr. Rhodes introduced

Senate Bill No. 181. A bill for an act to amend section 8 of an act entitled "An act to amend an act entitled 'an act to provide for a general system of common schools and the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, etc., to repeal all laws inconsistent therewith, providing penalties therein prescribed'" approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873.

Was read a first time and referred to the Committee on Education.

Mr. Hough introduced

Senate Bill No. 182. An act to amend section 17 of an act entitled "An act regulating prosecutions in cases of bastardy, and providing for the support of illegitimate children," approved May 6, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Harney introduced

Senate Bill No. 183. A bill repealing an act entitled "An act concerning interest on money and to provide for recoupment for usurious interest."

Was read a first time and referred to the Committee on Judiciary.

Mr. Haworth introduced

Senate Bill No. 184. An act defining the misdemeanor of keeping houses of ill fame, the renting and leasing of property to be

used as a house of ill fame, and prescribing punishment therefor, and prescribing certain rules of evidence in prosecutions for such offenses.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Cree introduced

Senate Bill No. 185. An act to amend section one of an act entitled "An act to authorize Township Trustees of incorporated towns and the Common Council of cities to levy a tax for school purposes," approved March 9, 1867.

Was read a first time and referred to the Committee on Education.

Mr. Harney introduced

Senate Bill No. 186. A bill making the Township Trustee Superintendent of roads and highways in his township, and prescribing his duties thereto, and fixing a commutation road tax in lieu of road labor, and repealing all laws in conflict with this act.

Was read a first time and referred to the Committee on Roads.

Mr. Henderson introduced

Senate Bill No. 187. A bill to amend subdivision thirty-eight of an act to amend section fifty-three of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency, approved March 10, 1873.

Was read a first time and referred to the Committee on Corporations.

Mr. LaRue introduced

Senate Bill No. 188. An act to authorize the hanging of gates across public highways, and making the leaving of such gates unfastened unlawful, and prescribing the penalty therefor.

Was read a first time and referred to Committee on Roads.

Mr. Givan introduced

Senate Bill No. 189. An act to amend section 3 of an act entitled "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852.

Was read a first time and referred to the Committee on Judiciary.

By unanimous consent, Mr. Bell offered the following concurrent resolution :

Resolved by the Senate, the House concurring, That a Joint Committee of two on the part of the Senate and three on the part of the House be appointed to inquire into and report as to whether any legislation is necessary on the subject of the clerical force of the present General Assembly.

Which was adopted.

BILLS ON SECOND READING.

Senate Bill No. 81. A bill to transfer from the office of Auditor of State to the general fund of the Treasurer certain sums of money held for free banks that have suspended or been moved up, and making other provisions in relation thereto.

Was read a second time.

Mr. Slater moved that the emergency clause be stricken out.

Which was agreed to and the bill ordered engrossed.

Mr. Johnston of Parke, from the Joint Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills respectfully report that they have this day presented to the Governor, for his signature, the following enrolled Joint Resolutions, to wit :

Enrolled Senate Joint Resolution No. 1, instructing our Senators and requesting our Representatives in Congress to pension the soldiers of the Mexican war.

Also, Senate Joint Resolution No. 3. A joint resolution to make temporary provision for the public printing.

Senate Bill No. 31. A bill for the protection of wild game, and defining the time in which the same may be killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency.

Was read a second time.

Mr. Smith offered the following amendment :

Amend the bill so as to allow the killing of prairie chickens on the first day of August.

Mr. Slater offered the following amendment :

Amend section 21 by striking out "January" and inserting "February."

The question being on the amendment offered by Mr. Smith, Mr. Bunyan moved that it do lie upon the table.

Which was agreed to.

The question then being on the amendment offered by Mr. Slater, Mr. Johnston of Parke, moved that it do lie upon the table.

Which was agreed to.

Mr. Smith then offered the following amendment :

Amend the bill by striking out that part referring to woodcock.

Mr. Beardsley moved that the amendment do lie on the table.

Which was agreed to.

Mr. Hough offered the following amendment :

Amend section one by striking out the word "October" and inserting the word "November" in lieu thereof.

Which was agreed to.

Mr. Bell offered the following amendment :

By striking out "emergency clause."

Which was agreed to.

The bill was then ordered engrossed.

Senate Bill No. 22. A bill fixing the times of holding Circuit Courts and the length of the terms thereof in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency.

Was read a second time and ordered engrossed.

Senate Bill No. 98. An act to amend section 40 of an act entitled "An act dividing the State into counties and defining their boundaries, and defining their jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, and declaring an emergency.

Was read a second time, the report of the Committee concurred in, and the bill ordered engrossed.

Senate Bill No. 60. An act defining the liabilities of infants and persons contracting with infants of certain ages and declaring an emergency.

Was read a second time and ordered engrossed.

Senate Bill No. 106. An act to authorize incorporated towns to negotiate and sell lands to procure means with which to complete unfinished buildings for public purposes, and authorizing the levy and collection of an additional special tax for the payment of such bonds.

Was read a second time, report of the Committee concurred in and the bill ordered engrossed.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed the following engrossed House Bills, to wit :

Engrossed House Bill No. 182, being an act to repeal sections 272 and 273 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, and declaring an emergency.

Also, engrossed House Bill No. 140, being an act legalizing certain official acts of the common council of the city of Kokomo, and the officers of said city, and declaring an emergency.

Also, engrossed House Bill No. 6, being a bill to legalize the incorporation of the town of Martinsville, and declaring an emergency.

Also, Engrossed House Bill No. 123, being an act to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and to repeal all laws in conflict herewith, and the same are herewith transmitted for the action of the Senate.

Senate Bill No. 65. A bill for an act to prevent injury to buggies, carriages and other vehicles at religious meetings and other public gatherings.

Was read a second time.

The question being on concurring in the report of the committee, Messrs. Rhodes and Smith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Boone, Bunyan, Cardwell, Cree, Dykeman, Grove, Harney, Haworth, Hendricks, Hough, Howard, Johnson of Floyd, Johnston of Parke, Maxwell, Oliver, Sarnighausen, Slater, Sleeth and Mr. President—20.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Bearss, Chapman, Culbertson, Daggy, Friedley of Scott, Givan, Henderson, Humphries, LaRue, Neff, Rhodes, Ringo, Roe, Scott, Smith, Thompson and Tobin—19.

So the report was concurred in, and Senate Bill No. 65 indefinitely postponed.

Leave of absence was granted Mr. Underwood until to-morrow.

Senate Bill No. 121. A bill to amend an act entitled "An act providing for the election and prescribing certain duties of county surveyors," approved June 17, 1852.

Was read a second time and ordered engrossed.

Senate Bill No. 114. A bill to amend section 1 of an act entitled "An act to enable incorporated towns to lay out, open, grade and improve streets and alleys, and make public improvements thereon, and to make surveys and adopt plats when the same have been lost or destroyed, and prescribing the duties of the Board of Trustees and providing for the mode of working and improving streets and alleys, and declaring an emergency," approved April 27, 1869.

Was read a second time.

The question being on concurring in the report of the committee,

Mr. Harney moved that it do lie on the table.

Which was agreed to.

Mr. Howard moved to recommit the bill to the Committee on Rights and Privileges of the Inhabitants of the State.

Which was agreed to.

Senate Bill No. 141. A bill authorizing the sale and conveyance of certain lands belonging to the State of Indiana.

Was read a second time and the report of the Committee concurred in.

Mr. Chapman offered the following amendment :

Shall sell at public sale at not less than one-half of the appraised value thereof.

Mr. Hough offered the following amendment to the amendment :

Amend the amendment by striking out the words "one-half," and inserting in lieu thereof "two-thirds."

Which was agreed to.

The question recurring on the amendment as amended, it was agreed to, and the bill ordered engrossed.

On motion of Mr. Johnston of Parke, the Senate adjourned until to-morrow morning at 10 o'clock.

TUESDAY MORNING.

JANUARY 26, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. J. H. Bayliss, of Trinity M. E. Church, Indianapolis.

Journal of yesterday read and approved.

The President laid before the Senate the following :

President of the Senate :

SIR:—In answer to the resolution adopted by the Senate, I have caused a copy of the Annual Reports of 1873 to be placed on each member's desk.

Very respectfully,

SARAH A. OREN,

State Librarian.

PETITIONS, MEMORIALS, REMONSTRANCES, ETC.

By Mr. Johnson of Floyd, a petition from 2,000 citizens of Clark and Floyd counties, on the subject of the Prison, South and convict labor therein.

Was read and referred to the Committee on Prisons.

Leave of absence was granted Mr. Bell until to-morrow morning.

By Mr. Boone, a petition from citizens of Boone county on the subject of temperance.

Was referred to the Committee on Temperance without reading.

By Mr. Roe, a petition from citizens of Jefferson county on the subject of Prison South and convict labor.

Was read and referred to the Committee on Prisons.

By Mr. Major, a memorial from the citizens of White county, on the subject of more court privileges.

Was read and referred to the Committee on the Organization of Courts.

By Mr. Maxwell, a petition from the Good Templars of Morgan county on the subject of temperance.

Was read and referred to the Committee on Temperance.

By unanimous consent Mr. Scott offered the following :

WHEREAS, An association of gentlemen from this and other States of the Union are now in the city of Indianapolis, called the Independent Order of " B'nai Brith ;" and,

WHEREAS, Said persons are desirous of visiting the Halls of Legislation ; therefore,

Resolved, That the members of said Order of " B'nai Brith," with their associates, be allowed, this day, seats within the bar of the Senate.

Which was adopted.

Mr. Sleeth offered the following resolution :

Resolved, That the Senate Committee on Fees and Salaries be instructed to investigate and report to the Senate as to the propriety of revising and reforming the present law in relation to the mileage of Sheriffs in conveying convicts to the State Prisons, North and South. Also, the mileage of County Treasurers in making settlements with the State Treasurer.

Which was adopted.

Mr. Bearss offered the following resolution :

Resolved, That the Committee on Fees and Salaries be instructed to report with as little delay as possible a bill for the reduction of fees and salaries.

Which was adopted.

Message from the House, by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has concurred with the Senate in the passage of the following resolution, to-wit :

Resolved by the Senate the House concurring, That a Joint Committee of two on the part of the Senate and three on the part of the House be appointed to inquire into and report as to whether any legislation is necessary on the subject of the clerical force of the present General Assembly, and that upon the part of the House, the following committee under said resolution has been appointed, to-wit : Messrs. Heller, Havens and Darnall.

I am further directed to inform the Senate that the House has passed Engrossed House Bill No 3, being an act to amend sections 102, 107, 108, 125 and 270, and to repeal section 276, of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, repealing all laws in conflict herewith, adding supplemental section to said act, and declaring an emergency.

Also, Engrossed House Bill No. 26, being a bill relating to and prescribing some of the duties and liabilities of the Clerks of the several Courts of this State, repealing all laws in conflict herewith, and declaring an emergency.

Also, Engrossed House Bill No. 42, being an act to amend section 5 of an act entitled "An act supplementary and amendatory of an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, approved March 8, 1873.

Mr. Hough moved to suspend the order of business and take up Engrossed House Bill No. 182.

Which was agreed to, and House Bill No. 182, an act to repeal sections 272 and 273 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, and declaring an emergency.

Was read a first time.

Mr. Harney moved to refer the bill to the Committee on Finance.

Mr. Gooding moved to amend by instructing the committee to report as early as practicable.

Which was agreed to.

The question recurring on the motion to refer to the Committee on Finance.

It was agreed to.

Mr. Gooding, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 132, to authorize cities to lease part of streets for harbor purposes, have had the same under consideration and direct me to report the same back with the recommendation that it do pass.

Was placed on the calendar.

Mr. Cardwell, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate Bill No. 39, entitled, "A bill repealing the first, second, third and sixth sections of an act authorizing the assessment of all the lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized, or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled 'an act authorizing the construction of plank, macadamized, or gravel roads,' approved May 12, 1852, when the subscription to such roads amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same and the collection of such assessments; *Provided*, The lands are situated within the county in which such road is located," approved March 11, 1867, and all other laws authorizing the assessment and collection of any taxes or assessments for the construction of said roads, and declaring an emergency therefor, have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that the same be amended by striking out all after the word "repealing," in the first line in the title of said bill, and insert the words, "An act entitled, 'An act authorizing the assessments of lands for plank, macadamized, or gravel road purposes, prescribing the manner of such assessing and collecting the same, and repealing the law on that subject,' approved March 11, 1867, approved May 14, 1869, saving section 22 of said act, of 1869, from the effects of the repeal thereof, and also amend by striking out all after the enacting clause and inserting the words, to-wit: That an act entitled 'an act authorizing the assessment of lands for plank, macadamized and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject,'" approved March 11, 1867, approved May 14, 1869, is hereby repealed; *Provided*, That section 22 of said act is saved from the effect of this repealing clause, and that when so amended that the same do pass.

Was placed on the calendar.

Mr. Boone, from the Committee on Agriculture, made the following report:

MR. PRESIDENT:

The Committee on Agriculture to whom was referred Senate Bill No. 78, an act to repeal an act entitled "An act to discourage the keeping of useless and sheep killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled 'an act for the protection of sheep,' approved June 15, 1852, approved March 2, 1865, and providing that the repeal of said act shall not revive any law repealed by said act, have had the same under consideration and have instructed me to report the same back to the Senate with a recommendation that it lie upon the table.

Was placed on the calendar.

Mr. Hackleman, from the Committee on Federal Relations, made the following report:

MR. PRESIDENT:

The Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 9, have had the same under consideration and request me to report the same back with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Johnson from Parke, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 63, a bill empowering the board of trustees of any incorporated town in this State, by ordinance, to prohibit the sale, bartering or giving away of

intoxicating liquors within the corporate limits of such town, to be drank upon the premises where sold, by any person without a license or permit thereunto authorizing him, first obtained by grant of and issued upon the directions of said board, and to prescribe the notice and condition upon which such license or permit shall be applied for and granted, and fixing a penalty for violation of such ordinance, etc., have had the same under consideration and have directed me to report as follows :

Amend by striking out all that part of the second section after the word "the" in the seventh line of the third page, and inserting in lieu thereof the following : "The general fund of the town in which such ordinance is ordained, and shall be used by the trustees of such town first in paying the police force thereof, and any surplus remaining after paying such police force shall go into the general fund of said town and be expended as other funds raised by general taxation, are expended," and to amend further by striking out the fourth section of said bill, and when so amended they recommend its passage.

Was placed on the calendar.

Mr. Oliver, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The committee to whom was referred Senate Bill No. 71, entitled "A bill to amend an act providing for the protection of fish, repealing all laws in conflict therewith, prescribing penalties for the violation thereof," approved February 22, 1871, have had the same under consideration, and recommend that said bill be indefinitely postponed.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee on the Rights and Privileges of the Inhabitants

of the State, to whom was referred Senate Bill No. 150, a bill to authorize and empower manual labor schools, organized and incorporated under the laws of this State to accept and execute indentures of apprenticeship, and to make such indentures transferable by such corporation and prescribing the rights and duties of the transferee in case of such transfer, have had the same under consideration and direct me to report the same back with the following amendments :

Amend by adding after the word corporation in line 23, on first page, the following: "By and with the consent of such apprentice and his parents, if living in this State, and upon order of the Judge of the Circuit Court for good cause shown."

Also amend by inserting after the word "and" in line 27 of first page, the following: "To be approved by the Judge of the Circuit Court," and further amend by striking out the 5th section of said bill, and when so amended, recommend its passage.

Was placed on the calendar.

INTRODUCTION OF BILLS.

Mr. Peed introduced

Senate Bill No. 191. A bill to amend section 51 of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas and transferring the business thereof to the Circuit Court, and providing for the election of judges and prosecuting attorneys in certain cases," approved March 6, 1873.

Was read a first time.

Mr. Peed moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill be read a second time by title, considered engrossed and read a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were,

Messrs. Bearss, Dykeman, Friedley of Lawrence, Friedley of

Scott, Givan, Gooding, Grove, Hackleman, Haworth, Henderson, Hendricks, Howard, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Peed, Rhodes, Roe, Sarnighausen, Scott, Skinner, Slater, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—30.

Those who voted in the negative were,

Messrs. Boone, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Friedley of Scott, Hough, Johnson of Floyd and Smith—11.

There not being two-thirds voting in the affirmative the constitutional rule was not suspended, and on motion by Mr. Peed, the bill was referred to the Committee on Organization of Courts.

Mr. Sleeth introduced

Senate Bill No. 192. A bill to provide for the election of a reporter of the Supreme Court, the speedy publication of the decisions of such court, and for the compensation of such reporter.

Was read a first time and referred to the Committee on Judiciary.

Mr. Underwood introduced

Senate Bill No. 193. An act concerning the organization of plank, macadamized and gravel road companies, the construction of their roads and assessment of benefits for same.

Was read a first time and referred to the Committee on Corporations.

Mr. Skinner introduced

Senate Bill No. 194. A bill to authorize and regulate the business of general banking.

Was read a first time and referred to the Committee on Banks.

Mr. Major introduced

Senate Bill No. 195. A bill to provide for the prosecution of

persons charged with misdemeanors by affidavits without the intervention of a grand jury, and repealing certain acts therein specified, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Friedley of Lawrence, introduced

Senate Bill No. 196. A bill to legalize the official act of the Board of Trustees of the town of Bloomington, Monroe county, Indiana, and of all other officers of said corporation, and by laws, ordinances, regulations, and proceedings passed and adopted by them under and in pursuance of an act entitled "An act for the incorporation of towns and defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.

Was read a first time and referred to the Committee on Corporations.

Mr. Stockslager introduced

Senate Bill No. 197. A bill to amend section five of an act supplementary and amendatory of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, approved March 8, 1873.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Humphries introduced

Senate Bill No. 198. A bill to authorize and limit allowances by courts and Boards of County Commissioners, and repealing all laws in conflict with this act, and defining the punishment for a violation of this act.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Johnson of Floyd, introduced.

Senate Bill No. 199. A bill to amend section second of an act

entitled "An act to amend the second, sixth and seventh sections of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,'" approved February 12, 1855, approved March 6, 1865.

Was read a first time and referred to the Committee on Agriculture.

Mr. LaRue introduced

Senate Bill No. 200. A bill supplemental to an act entitled "An act creating the Nineteenth, Twentieth and Thirty-first Judicial Circuits, providing for the election of judges and prosecuting attorneys thereof, and providing compensation therefor, declaring the jurisdiction of said courts and providing for a transfer of actions thereto," approved March 11, 1867.

Was read a first time and referred to the Committee on Organization of Courts.

Mr. Scott introduced

Senate Bill No. 201. A bill to legalize the organization of all plank, macadamized or gravel road companies where such companies have organized in good faith before the act under which the organization was made went into force.

Was read a first time and referred to the Committee on County and Township Business.

On motion of Mr. Sleeth the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

The President announced that he had appointed Messrs. Bell and Rhodes as a committee on the part of the Senate in accordance with the concurrent resolution, as to the matter of employes.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 46, being an act to authorize the United States of America to acquire title to lands in the State of Indiana by condemnation, prescribing the manner in which such condemnation shall be made, and declaring an emergency.

Also, Engrossed House Bill No. 52, being an act to amend section 1 of an act entitled "An act to amend sections 15 and 16 of an act entitled 'an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties,'" approved June 11, 1852, and providing for the election of the Town Marshal by the Town Trustees, and declaring an emergency, approved March 10, 1873, and to repeal section 3 of said act, and declaring an emergency.

Also, Engrossed House Bill No. 77, being an act providing for the publication of official matter in German newspapers, and declaring an emergency, and said bills are herewith transmitted for the action to the Senate.

The hour having arrived for the consideration of the Special Order, being Senate Bill No. 35, a bill repealing an act entitled "An act regulating interest on judgments."

Mr. Smith moved that the Senate go into Committee of the Whole Senate.

Which was agreed to, and the Senate went into the Committee of the Whole with Mr. LaRue in the chair.

The Committee rose to receive the following message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 232, entitled "A bill to change the time of holding Courts in the Twenty-first

Judicial Circuit," and the same is herewith transmitted to the Senate.

The Committee of the Whole Senate rose and made the following report by the Chairman :

MR. PRESIDENT ;

The Committee of the Whole Senate direct me to report that they have had Senate Bill No. 35 under consideration, and report the bill back for the action of the Senate.

Mr. Daggy moved that the report of the Committee on Judiciary on Senate Bill No. 35 be now taken up.

Which was agreed to.

Mr. Harney moved that the report do lie on the table.

The ayes and noes were demanded by Messrs. Dykeman and Sleeth.

Those who voted in the affirmative were,

Messrs. Bearss, Bunyan, Cardwell, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Howard, Johnson of Floyd, LaRue, Major, Maxwell, Peed, Ringo, Scott, Slater, Stockslager, Wilson and Winterbotham—22.

Those who voted in the negative were,

Messrs. Beardsley, Bell, Boone, Chapman, Daggy, Friedley of Lawrence, Gooding, Hackleman, Haworth, Henderson, Hendricks, Hough, Neff, Oliver, Rhodes, Sarnighausen, Skinner, Sleeth, Smith, Thompson, Tobin, Underwood and Mr. President—23.

So the motion to lie the report of the committee on the table was not agreed to.

The question recurring on the adoption of the report of the committee.

It was agreed to.

Mr. Dykeman moved to reconsider the vote whereby the report of the committee was concurred in.

Mr. Smith moved that the motion of Mr. Dykeman do lie on the table.

Messrs. Slater and Dykeman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bell, Boone, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Henderson, Hendricks, Hough, Neff, Oliver, Rhodes, Sarnighausen, Skinner, Sleeth, Smith, Thompson and Underwood—23.

Those who voted in the negative were,

Messrs. Bearss, Bunyan, Cardwell, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Howard, Johnson of Floyd, LaRue, Major, Maxwell, Peed, Ringo, Scott, Slater, Stockslager, Tobin, Wilson and Winterbotham—22.

So the motion to lie on the table was agreed to.

On motion of Mr. Bearss the Senate adjourned.

LEONIDAS SEXTON,

President.

WEDNESDAY MORNING.

JANUARY 27, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

Journal of yesterday read and approved.

Message from the Governor by his Private Secretary :

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, January 27, 1875.

To the General Assembly :

By the act of Congress, approved January 11, 1873, it was provided "That the lands in Newton county, in the State of Indiana, known as the bed of Beavers' lake, the same having been drained and reclaimed at the expense of the State of Indiana and its assignees, be and the same are hereby released and quit-claimed to the State of Indiana." Since passage of that act the Legislature has not taken any action in respect to the lands so released. I think you should declare the condition of the title and the purpose of the State in relation to the lands. I understand that the greater part thereof are in private occupancy under a claim of ownership. The lake originally covered about twenty-three sections, or about 14,700 acres. The State and her assignees have drained it until there remains but from one to four thousand acres of the land covered with water. It was not subdivided by United States surveyors. In the survey of the surrounding lands its shores were defined by the meandered lines.

By purchase from the State Messrs. John P. Dunn and Michael G. Bright became the owners of the legal subdivisions immediately surrounding the Lake. They claimed right and title to the center of the Lake "as the riparian proprietors or owners of all the lands bounding margin." For the purpose of division they made a plat of the entire body. (Including the fractional lots which they had so purchased), representing on said map the lines of the government

surveys and subdivisions as extending through the Lake, north and south, east and west, so as to divide it into forty acre lots. They then divided the whole as between themselves by numbering the lots from No. 1 consecutively, up to the highest number, Dunn taking the odd and Bright the even numbers. Dunn's interest in the lots which fell to him in the division (covering 7,880 acres,) was sold on execution, and purchased by Bright, and conveyed to him by the Sheriff who made the sale. Subsequently Mr. Bright conveyed the Dunn lots to the Treasurer of State, for the use of the State, in satisfaction of a debt which Dunn owed the State. The Treasurer of State, Mr. Aquilla Jones, conveyed the same lands to the State. Thus the State acquired her claims to 7,880 acres of the bed of Beaver Lake. By the act approved December 12, 1865, entitled "An act to provide for the sale of certain lands belonging to the State of Indiana in the counties of Jasper and Newton, and to give protection to actual settlers thereon," (Acts of the Special Session, 1865, page 192,) provision was made for the sale thereof. In pursuance of that act the 7,880 acres have been sold by the State to a number of different purchasers, and deeds of patents made by the State to the purchasers in accordance with the description thereof, made by Messrs. Dunn and Bright. From the sales the State realized in the aggregate eight thousand five hundred dollars.

The lots claimed by Mr. Bright have nearly all been sold. The sales were made to many different purchasers, and subsequent transfers of a part thereof have been made. These lands have been held as subject to taxation, and taxes to the amount of several thousand dollars have been levied thereon and collected from the owners thereof. The purchasers have made valuable and permanent improvements upon portions of the lands. For a full statement of the facts in relation to the lands, I refer you to the communication of the Secretary of the Interior to the Senate of the United States under date of January 31, 1872, and accompanying reports and documents, being Executive Documents 42nd Congress. On pages 11 and 12 you will find the records of two cases, one before Judge Pettit, in Jasper county, and the other before Judge Test, in Newton county, in which the title of the claimants was held good, and from page 12 to 32, is an abstract of the conveyances made by the State and by private parties.

I am not of the opinion that the United States owned the lake before it was drained, or the bed thereof afterwards. The United States does not own the lakes in the States. Upon that question

the decision of the Supreme Court of the United States in Pollards, lessee, vs. Hagan and others, 3 Howard, would seem to be conclusive. The only effect of the release to the State by Congress was to quit any claim of the United States to the lands, as well as to put an end to controversies growing out of efforts to obtain titles under the laws of the United States. In the year 1871, the law firm of which I was a member was employed by parties claiming portions of these lands, some of whom had made valuable improvements thereon, and I had special charge of the business. The report to which I have referred shows my relation to the parties interested and to the questions involved very fully. Because of my former relation to the subject I decline to make any recommendations further than to say that by the Act of 1865, the State distinctly asserted title to the lands which she directed should be sold and that fact should not be overlooked in considering the equities between herself and persons who have purchased the other lots from parties who receive the same title.

THOMAS A. HENDRICKS,
Governor.

Also, the following by his Private Secretary :

MR. PRESIDENT :

By direction of the Governor, I have the honor to inform the Senate that he has approved and signed Senate Joint Resolution No. 1.

Also, that he has approved and signed Senate Joint Resolution No. 3, entitled "A Joint Resolution to make temporary provisions for the public printing," and that he has caused the same to be deposited in the office of the Secretary of State.

Mr. Rhodes moved to suspend the order of business and take up Engrossed House Bill No. 232. A bill to change the time of holding court in the Twenty-first Circuit.

Which was agreed to and the bill read a first time.

Mr. Rhodes moved to suspend the Constitutional rule requiring bills to be read on three several days and read the bill a second time now by title, and a third time by sections.

The ayes and noes being taken under the rule.

Those voting in the affirmative were,

Messrs. Baxter, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Henderson, Hendricks, Hough, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—45.

No Senator voting in the negative, so the Constitutional rule was suspended and Engrossed House Bill No. 232, read a second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Henderson, Hendricks, Hough, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—45.

No one voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

By unanimous consent Engrossed House Bill No. 46, an act to authorize the United States of America to acquire title to land in the State of Indiana by condemnation, was taken up and read a first time.

Mr. Gooding moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a second time now by title and a third time by sections.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunnan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Henderson, Hendricks, Hough, Humphreys, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Ringo, Roe, Sarnighausen, Scott, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—45.

No Senator voting in the negative, so the constitutional rule was suspended and the bill read a second time by title and a third time by sections.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunnan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Thompson, Tobin, Underwood and Winterbotham—47.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered that the Secretary inform the House of the passage of the bill.

By unanimous consent Engrossed Senate Bill No. 22, a bill fixing the time of holding Circuit Courts, and the length of time thereof in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency, was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Daggy, Davidson, Dykeman, Friedley of Scott, Gooding, Hackleman, Haworth, Henderson, Hendricks, Hough, Howard Humphreys, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—44.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered that the Secretary inform the House of the passage of the bill.

PETITIONS, MEMORIALS, REMONSTRANCES, ETC.

By Mr. Cardwell, from the citizens of Tipton county, on the subject of fees and salaries.

Was read and referred to the Committee on Fees and Salaries.

By Mr. Major, from the citizens of White county, on the subject of fees and salaries.

Was read and referred to the Committee on Fees and Salaries.

By Mr. Wilson, from the citizens of Sullivan county, on the subject of temperance.

Was read and referred to the Committee on Temperance.

By Mr. Rhodes, from the citizens of Fountain county, on the subject of temperance.

Was read and referred to the Committee on Temperance.

Mr. Peed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 84, an act entitled "An act to repeal section 55 of an act to amend an act to authorize and regulate the business of general banking," approved March 3, 1855, have had the same under consideration, and have instructed me to report back to the Senate that the same do lie on the table.

Was placed on the calendar.

Mr. Peed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 80, an act to amend section first of an act entitled "An act to regulate general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852, and to amend an act entitled "An act to provide for township elections, approved June 15, 1855, and to fill vacancies occasioned by the provisions of this act, and to repeal all laws inconsistent therewith," approved April 26th, 1867, have had the same under consideration, and have instructed me to report the same back to the Senate and that the same do lie on the table.

Was placed on the calendar.

Mr. Daggy, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 44, entitled "An act to declare null and void parts of certain contracts," have had the same under consideration, and a majority thereof direct me to return the same, recommending that it be indefinitely postponed, for the reason that the subject matter thereof is embraced in a previous bill now on file in the Senate.

Was placed on the calendar.

Mr. Daggy, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Memorial No. 1 of the National Board of Trade in relation to the formation of corporations by five or more persons, with or without limited liability, etc., have had the same under consideration, and a majority thereof have directed me to return the same with the recommendation that the same lie upon the table, and that no further legislation upon the subject matter of said memorial is necessary.

Mr. Daggy, from the Committee on Judiciary, to whom was referred Memorial No. 2 of the National Board of Trade upon the subject of requiring firms doing business within the limits of the State of Indiana to register with the County Clerk, or some other designated officer within in the county wherein such firm has its principal office or place of business, the name of such firm together with that of each individual member thereof, etc., have had the same under consideration and direct me to return the said memorial recommending that a bill be prepared and presented to the Senate upon the subject matter thereof, by such persons or committee as the Senate may designate.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill

No. 88, a bill providing for the recording of Sheriff's certificates in certain cases, and for the judgment thereof, and declaring an emergency, have had the same under consideration, and have directed me to report the same back to the Senate with the following amendments :

Strike out of the 14th and 15th lines, page 1, the words, "and have jurisdiction to sell land he." Insert, line 2, page 2, before the word "certificate," the word "said." Strike out the word "office" in the 3d line, page 2. Change the words in the miscellaneous records, 3d line, 2d page, by inserting the said words before the word "of," in said line. Strike out of 3d line, 2d page, the word "such," and insert in lieu thereof, the word "the." Strike out of 6th line, 2d page, the word "change," and insert, in lieu thereof, the word "tax." Strike out all from the word "as," 6th line, 2d page, to the word "and," both inclusive, 8th line, same page. Strike out of 9th and 10th lines, 2d page, the words "recording" such instrument. Strike out the 2d section of the bill, and when so amended recommend its passage.

Was placed on the calendar.

Mr. Hough, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 187, "An act to amend subdivision thirty-eight of an act to amend section fifty-three of an act to repeal all general laws in force for the incorporation of cities, etc., approved March 10, 1873, have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

Was placed on the calendar.

Mr. Gooding, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 151, to construct and improve harbors and to condemn lands

therefor, have had the same under consideration and direct me to report the same back to the Senate with the recommendation to amend section eleven by striking out the words "after and" before the word installment and insert in lieu thereof the words "whenever any," and by striking out the words "mechanics lien" and insert in lieu thereof the word "mortgages," and that when so amended the same do pass.

Was placed on the calendar.

Mr. Hough, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee to whom was referred Senate Bill No. 178, entitled "An act requiring officers of certain corporations therein named to make out and publish annual statements, and providing penalties for violations thereof," have had the same under consideration and have directed me to report the bill back to the Senate with the recommendation that it be amended as follows:

First. Amend section one by inserting between the words "monneys" and "property" in line thirteen, the words "rights and privileges." Also, by inserting the word "all" between the words "of" and "other" in line 23. Also, by striking out the word "precedent" in line twenty-six and inserting in lieu thereof, the word "numbers."

Second. Amend section two by striking out the words "herein named," in lines 1 and 2. Also, by striking out the words "above specified in line 3 and inserting in lieu thereof the words named in section one. Also, inserting between lines 5 and 6 the following: "Be deemed guilty of a misdemeanor," and also by striking out all between the close of line 6 and the word "in," in line 8, and when so amended that the bill do pass.

Was placed on the calendar.

Mr. Tobin, from the Committee on Roads, made the following report:

MR. PRESIDENT:

The Committee on roads to whom was referred Senate Bill No.

120, unanimously recommend its passage with the following insertion in section 1st, line 15, "who shall fail to part their train;" also, amend by striking out the emergency clause, and when so amended recommend that the bill do pass.

Was placed on the calendar.

Mr. Grove, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate Bill No. 161, entitled "A bill to repeal sections 7 and 9 of an act to authorize and limit allowances by courts and boards of County Commissioners and drafts upon County Treasurers," approved May 27, 1852, have had the same under consideration and directed me to report the same back to the Senate with the recommendation that it be indefinitely postponed.

Was placed on the calendar.

Mr. Hendricks, from the Committee on Banks, made the following report:

MR. PRESIDENT:

The Committee on Banks, to whom was referred Senate Bill No. 67, entitled "An act to repeal section 55 of an act to authorize and regulate the business of general banking," passed March 3, 1855, and declaring an emergency, have had the same under consideration and have directed me to report (unanimous) the same back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Slater, from the Committee on Public Printing, made the following report:

MR. PRESIDENT:

This Committee on Public Printing, to whom was referred Senate Bill No. 37, an act providing for publication of official matter in German newspapers, have had the same under consideration, and

find that a similar bill has passed the House and been sent to this Senate. The committee, therefore, recommend that the bill lie upon the table.

Was placed on the calendar.

Mr. Friedley of Scott, from the Committee on Prisons, made the following report :

MR. PRESIDENT :

The Committee on Prisons, to whom was referred Senate Bill No. 32, a bill to limit appointments to office in the punitive, reformatory and benevolent institutions of the State, have had the same under consideration, and recommend the following amendments: Amend section 1 by inserting after the word "office" the words "or position." Also, amend further by striking out the words "a blood relative of" and insert in lieu thereof the words "related by blood or marriage to." After these amendments are made they recommend its passage.

Was placed on the calendar.

Mr. Daggy, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Engrossed Bills, to whom was referred Engrossed Bill No. 60, entitled "A bill defining the liabilities of infants in certain cases," have had the same under consideration, and compared the same with the original bill and amendments and find that on page 2, line 3, the word "voidable" is used when it should be "avoided."

On motion of Mr. Smith the report was concurred in.

Mr. Gooding, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate Bill No. 163, fixing the times of holding courts in

the Thirteenth Judicial Circuit, have had the same under consideration and direct me to report the same back with the recommendation that it pass.

Was placed on the calendar.

Mr. Gooding, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate Bill No. 191, fixing time for holding courts in the Twelfth Judicial Circuit, have had the same under consideration, and direct me to report the same back with the recommendation that it pass.

Was placed on the calendar.

Mr. Givan, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred with instructions, Senate Bill No. 54, entitled "An act to amend an act entitled 'An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases,' approved June 9, 1852, have instructed me to report the same back to the Senate, and that section 1 be amended as directed by the Senate by adding at the end of section 1 the following: *Provided however*, When the amount in controversy is not more than one hundred dollars, Justices shall have jurisdiction in any township of their respective counties where the debt was contracted, and that when so amended the committee recommend that it lie on the table.

Was placed on the calendar.

Mr. Underwood, from the Committee on County and Township Business made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 198, entitled "An act to authorize and limit

allowances by Courts and Boards of County Commissioners, and repealing all laws in conflict with this act, and defining the punishment for violating the same," have had the same under consideration and instructed me to report the same back to the Senate with the recommendation that it be amended by inserting before "an act," the words "an act to amend sections 7 and 9 of an act entitled." Also, by striking out in 3d line the words of "County Commissioner." Also, by inserting in line 12, after the word "and" the word "board," and by striking out in the same line the word "county." Also, by striking out in line 13, the word "Commissioners." Also, by inserting after the word "for," in line 18 the word "voluntary," and that when so amended the same do pass.

Was placed on the calendar.

Mr. Howard, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 90, entitled "A bill to limit the powers of county boards in appropriations of sums exceeding \$5,000 in cases where it is proposed to construct new public buildings or repair those already built, or to construct new bridges or the repairs thereof, and requiring a vote of the county in favor of such appropriations before the same shall be made;" to amend the 16th section of the act entitled "An act providing for the organization of county boards and prescribing some of the powers and duties," approved June 17, 1852, repealing certain laws contravening this act, and declaring an emergency, have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it be amended as follows: By inserting in line 13, page 2, after the word "exceeds" "in the case of court house and public officers one-half of one per cent on the taxable property of said county, and in the case of jails, other county buildings and bridges, one-fifth of one per cent." Also, by striking out in line 13 the words "either" and "thousand." Also, in line 14 the word "dollars." Also, in line 5, page 2, after the word "sum" insert the words "above mentioned for the purpose above set forth." Also, by striking out in line 20, page 2, the words "five thousand." Also, in line 21, page 2, the word "dollars." Also, in line 9, page

9, the words "five thousand dollars" and insert in lieu thereof "the amount above mentioned." And that when so amended the same do pass.

Was placed on the calendar.

Mr. Wilson, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 164, entitled "A bill to regulate and restrain dogs from running at large, and for the protection of sheep, and to discourage the keeping of useless and sheep-killing dogs, and providing penalties for violations of any of the provisions of said act by officers and others ;" and also an act entitled "An act to discourage the keeping of useless and sheep-killing dogs," etc., have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it be laid upon the table.

Was placed on the calendar.

Mr. Smith, from the Committee on Railroads, made the following report :

MR. PRESIDENT :

The Committee on Railroads, to whom was referred Senate Bill No. 69, a bill to compel railroads to fence their track, have had the same under consideration, and direct me to report the same back with the recommendation that it lie on the table.

Was placed on the calendar.

Mr. Smith, from the Committee on Railroads, made the following report :

MR. PRESIDENT :

Your Committee on Railroads, to whom was referred Senate Joint Resolution No. 6, entitled "A Joint Resolution in relation to

the appointment of Joint Railroad Commissioners from this and adjoining States, have had the same under consideration and have directed me to report the same back to the Senate with a recommendation that it lie upon the table.

Was placed on the calendar.

Mr. Scott, from the Committee on Railroads, made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred Senate Bill No. 124, have directed me to report the same back to the Senate with the following recommendation, to-wit: Amend the same by adding the following title: A bill regulating the issuing and taking up of tickets and coupons of tickets issued by common carriers, and defining the rights of holders thereof, and other matters in relation thereto. Amend further by adding to such bill after the word "void," in the last line thereof the following proviso: *Provided however*, That the provisions of this act shall not apply to special-half fare or excursion tickets. And when so amended, your Committee recommend that said bill do pass.

Was placed on the calendar.

NEW STATE HOUSE.

Mr. Scott, from the Joint Special Committee on New State House, appointed by the last General Assembly to procure plans for a new State House, etc., submitted the following majority report:

REPORT OF JOINT COMMITTEE ON STATE HOUSE PLANS.

To the Senate and House of Representatives

of the General Assembly:

GENTLEMEN:—The undersigned committee, consisting of three members of the Senate and three members of the House, together with the Governor and Lieutenant-Governor, appointed by concurrent resolution of the last preceding session of the General Assembly,

and authorized and required to procure plans suitable for a new State Capitol, and to recommend the three plans which in their judgment should be best adapted to the wants of the State, have endeavored to discharge this duty to the best of their ability, and beg leave to report.

The resolution under which they were appointed recites that a necessity exists for the erection of a new State Capitol; that the committee procure and recommend plans having a "due regard to economy in the erection of public buildings," and that the proposed new State House should not cost "to exceed two million dollars." Your committee have therefore assumed, as in duty they were bound to do, that their appointment under the terms of this resolution was made in good faith; that the intention of the General Assembly was expressed therein; that the erection of a State House would be authorized if they procured suitable plans, and that they must be able to assure the General Assembly, with reasonable certainty, that the plans recommended by them could be executed within the limit. On this theory they have proceeded, and now submit to you the result of their labors.

Your committee cannot persuade themselves that so intelligent a body of representative men as those who compose the present General Assembly can have any doubt as to the necessity for a new State House. That the present building is totally inadequate to the public service is evidenced by the fact that nearly all the public officers have been compelled to find quarters elsewhere; and that even the Legislative department is compelled to rent rooms for its committees at hotels or wherever they can be had; by the fact that the present structure is so dilapidated and illy ventilated and warmed, as to be unhealthy and unsafe; and by the fact that the invaluable records of the State are in a building so inflammable in its character that in a single hour they may be irreparably destroyed by fire.

The only questions which can occur to you are, whether the necessity for a State House is so urgent as to require immediate action, and whether there are not other needs of more pressing importance. To such suggestions as that there is danger of corruption in the prosecution of this work, and that the taxes required to raise the necessary revenue will be oppressive to the people, your committee can attach but little weight. It will not require any more tax to build it now, nor is there greater danger of corruption than there will be in the future. Your committee

would be ashamed to believe that Indiana is too poor to build a decent State House, or that your Governor could not find honest men enough in the State to whom he could entrust this work. But if any member should feel that one or even two additional insane asylums are needed, and that these should take precedence of the State House, we can readily admit it. If the General Assembly will consider the fact that the erection of large edifices, readily like State houses or insane asylums, is a work of time, they will see that all may be authorized and may progress simultaneously, and yet not involve excessive taxation or expenditure. A tax of five cents on the hundred dollars of valuation of the property of the State, continued for six years would produce a revenue large enough and fast enough for the erection of a \$400,000 asylum and \$2,000,000 State House; and an additional cent would provide for two asylums, each with a capacity of six hundred patients. Five years, besides the present, will be required in the erection of a State House, and two years of an asylum, and the tax and expenditures thus distributed would not be oppressive.

True economy does not consist in refusing to expend money when needed, but in its judicious application to useful purposes. If the State government is not worth maintaining let it be abolished, and let us look to the General Government alone for protection. But if it is worth maintaining, as surely all agree that it is, then let us provide sufficient, decent and safe public buildings in which to transact the public business. Every instinct of State love and State pride urge that our great, growing and prosperous commonwealth, across whose territory daily rolls the rich commerce of the East and West, shall be immediately provided with a decent State House.

The first meeting of your committee was held on the 28th day of May, 1873, and after a free interchange of views in regard to their duties, it was resolved that the members should prepare themselves for an intelligent discharge of their responsibilities, by visiting and inspecting such public buildings as they might find opportunity, and by making themselves as far as possible acquainted with architecture. Your committee, therefore, either together or by individual members, have inspected the State Houses at Springfield, Lansing, Albany, Hartford, Columbus, Nashville and Frankfort, and have examined a great variety of plans, prints and descriptions of public buildings. They have done this that they might be able to recommend to you as the best plan such an one that would

combine beauty, durability, convenience and economy ; and that their recommendations might have due weight in your final decision.

At the next meeting of the committee all the State officers were invited to a conference with them, the Secretary of State was appointed to act as secretary of the committee, and was thenceforth associated with them in all their proceedings. Advertisements were prepared and published, asking for the submission of plans, and stating the limitations on the cost thereof. A pamphlet was also prepared and distributed to architects, giving a plan of the State House grounds, a schedule of the approximate space required, and the rules and limitations by which they must be governed. A copy of this pamphlet is herewith transmitted. The 15th of September, 1874, was the time finally designated for the submission of such plans, and the office of the Secretary of State the place.

On assembling at the time designated they found that there had been submitted to them for competition eighteen plans, besides several others for inspection, or as modifications of competing plans. They found, also, that it would be impossible to open, inspect and compare these plans at the office of the secretary, because there was neither room nor privacy. The State having no suitable place, they were compelled to rent and furnish rooms ; and for this purpose secured for six months the upper floor of Martindale's new block, on Market street.

Had the committee been disposed to act superficially they might have examined these plans as pictures, and selected those which seemed most sightly, or those of the largest dimensions, or those of the least estimated cost. But they determined they would themselves examine the proposed construction of each plan, and verify for themselves, as far as possible, the estimates on each. They have, therefore, spent weeks of careful and patient investigation, have required from architects estimates of cost in detail, have given to them opportunity of personal explanation, and have made many tables and figures of comparison. And hence they feel that they can say to you, with great confidence, that the plans they now submit to you are such as will meet the necessities of the public service, and that they can be executed inside of \$2,000,000. They feel that they are prepared to appear before the General Assembly and give such explanations and reasons for their decisions as will be satisfactory ; and that you will not fail

to appreciate the great amount of time and thought they have bestowed on the trust confided to them.

Your committee, in presenting three plans, as the best under the conditions and limitations of their appointment, would by no means have you conclude that they are perfect, for there was not a plan before them they would not require to be modified in some particulars, and we are not even willing to affirm that these three plans are absolutely the best of the eighteen ; but simply that they are the best which come within the limitations imposed. Your committee have reason to believe that they have been singularly fortunate in having presented to them so many plans of merit. With one or two exceptions, all of them have been really good plans and in some instances it has been difficult to determine between them. Three or four plans of very great merit they have reluctantly set aside because they could not conscientiously assure you that they could be executed within the sum limited. But it would be impossible to give you in detail the reasons which have led them to decide against the plans not chosen by them ; nor would it be just to do so, as the plans not chosen are the private property of the architects, and are not properly open to public criticism and are to be returned to them as soon as you give your consent.

It is not the province of this committee to dictate to you the form of legislation by which you shall authorize and provide the erection of a State-house, but in the discharge of their duties they have been compelled to consider not only the cost of such buildings and the time required in their construction, but also the methods of management by which expenditures are regulated and which exercise so important an influence on their cost. A loose and negligent law will give room for, if it does not produce, extravagance and speculation. Hence we have felt that we could do no more valuable service than to digest all the laws and methods within our reach and present the result to you in a bill. We have, therefore, prepared such a bill, and submit it as a part of our report, and ask your favorable consideration. We have endeavored to provide such a system of management as will secure official responsibility, guard the public money from all fraud and waste, and secure an intelligent, economical and honest superintendence of the building. The bill is elaborate, but not complicated, and there is no such uncertainty or conflict of duties as will

leave room for leakages. As far as law can guard the public interest, we think we made ample provision.

In the prosecution of their work your committee have been compelled to consume time and meet expenditures, and they respectfully ask that your Committee on Claims will consider the financial report they will make by their secretary. They also call your attention to the fact that the late Secretary of the State has given to them a large amount of valuable service; that they have been compelled to retain him since his exit from office, and that his services cannot be dispensed with until the question of a State House is disposed of by your body. The plans are in his safe-keeping; on him we depend to exhibit them to you doing your session, and properly to dispose of them afterward; and we do not doubt you will allow to him a fair compensation.

1. The plan selected by your committee and recommended for your adoption, as the best, is that of Mr. Charles Eppinghausen, of Terre Haute. Its principal dimensions are: length, 432 feet, with porticos projecting 12 feet, making a total length of 456 ft. Width through the center, 240 feet, and with the porticos, 264 ft. The interior diameter of the dome is 70 feet, and its height above the ground line, 240 feet. The height of the ceiling of the basement story is 22 feet, of the main story 24 feet, of the second story 24 feet, and of the third story 14 feet; and the height from ground line to roof line, 88 feet. The style of architecture is the classic Roman, and for simple grace and beauty it undoubtedly excels any other plan before your committee. In its interior arrangements there are those your committee would peremptorily change. The Senate Chamber is at one end, and is admirably designed. The Hall of Representatives is under the dome, a circular chamber one hundred and twenty feet high. This is an experiment to which your committee could not consent. If, therefore, the plan otherwise meets your approval, this Hall should be removed to the wing opposite the Senate and constructed in a similar manner, the State Library placed under the dome, and the Supreme Court room placed in the wing marked for the Library. But you are invited to inspect and criticise the designs for yourselves.

2. The plan selected and recommended by the committee as the second best is that of Mr. J. C. Johnson, of Fremont, Ohio. Its style is that which is called modern Renaissance, having

towers and a Mansard roof. Its length, exclusive of the porticos, is $398\frac{1}{2}$ feet, and its width through the center 257 feet. The main building to top of cornice is 90 feet, and of the dome to top of lantern 280 feet. The doors, sash, frames and shutters, are all of iron. The arrangement of space is judicious, and it will meet every want of the State. Your committee find some objections to the plan, chiefly that the immense weight of the iron dome is supported on arched trusses instead of resting directly on the brick walls, that the floor of the rotunda on the main story is raised above the corridors and offices, thus compelling the officers to go up and down stairs in their daily communication.

3. The plan selected and recommended by the committee as the third best is that of Mr. G. B. F. Cooper, of New Albany. The style of the plan is also the modern Renaissance, but differs totally in its appearance and arrangements from the former. Its form is that of a Greek cross, the intersecting corners filled with towers, while from the center arises the dome; all its fronts are alike and its measurements equal. The length and width are 350 feet each, exclusive of the porticos. The height to main cornice is 81 feet, and to deck line 98 feet. The rotunda is 74 feet, and on the legislative floor, appropriated to the State Library. The external diameter of the dome is 114 feet, and its height to top of lantern $273\frac{1}{2}$ feet. Its weight rests direct on two walls rising from the ground, and the space between them constitutes a circular corridor in which are the principal stairways. For compactness and availability of space and convenience of business no plan is equal to this. But your committee have decided that the dome is too large and the general appearance of the building too bunchy to stand first in their esteem.

In the brief description of the plans, your committee have felt that it was due to you as well as themselves to point out the main objections, as well as the advantages, of those recommended, and they submit to your taste and judgment the final decision of the question. To the report we append a tabular statement of the estimated cost. They believe these estimates to be as nearly correct as it is possible to make them with the data on hand, and that you may feel assured that each one of these plans can be executed for the price named. You will see that they have recommended the cheapest plan as the best. Eppinghausen's plan will cost \$1,610,462; Cooper's plan will cost \$1,803,807; and

Johnson's plan will cost \$1,868,803. These figures represent the cost of the naked building. To this there must be added furnishing, for which \$50,000 will be a fair and sufficient allowance, and also the payment of the architect and superintendence. If the above cost of the naked building be taken, and there be added ten per cent. for all changes, charges, and contingencies, an amount your committee are satisfied is fully sufficient for the purpose, the cost would then be, for Eppinghausen's plan, \$1,771,508; for Cooper's plan, \$1,994,187; and for Johnson's \$2,055,683. But if you should choose Johnson's plan and substitute wood for iron frames, doors and sash, which we would recommend; or if you should choose Cooper's, and reduce the dome, there would be a fair margin left for all contingencies. But, in any event, the plan we recommend to you as first best, leaves an ample margin, and there can not be a shadow of doubt that it can be executed, completed and ready to be occupied inside of the prescribed limit.

Table of Comparative Cost as per Itemized Statement from Architects' Estimates.

ITEMS OF WORK AND MATERIAL.	Eppinghausen's.	Johnson's	Cooper's.
Foundations	\$65,445	\$242,943 22	\$108,379 96
Cut Stone.....	539,326	524,231 00	551,460 00
Ornamental, etc.....	34,500	57,836 70	47,926 00
Brick.....	232,000	245,995 46	171,624 06
Plastering	85,549	31,287 00	60,973 93
Iron	268,845	448,121 66	548,881 04
Copper, Galvanized Iron, etc.....	29,578	46,894 00	18,768 00
Steam, gas, and water.....	102,903	61,267 00	61,360 00
Painting and glazing	78,087	75,014 38	86,314 81
Carpenter work.....	63,658	110,262 00	99,271 76
Tunnels and Sewers.....	8,815	848 00	2,567 52
Statuary.....	51,600	3,000 00	33,180 10
Miscellaneous.....	50,156	18,000 00	13,200 00
Totals.....	\$1,610,462	\$1,868,803 42	\$1,823,807 08

In conclusion, allow us to express our gratification at the confidence manifested in our appointment to this important trust, and to ask your earnest attention and immediate action, that no time may be lost in the consummation of the desirable result contemplated in our appointment.

Respectfully submitted,

(Signed)

HARVEY D. SCOTT,
C. W. CHAPMAN,
EDWARD KING,
D. C. BRANHAM.

As requested by the Joint Resolution, we met the committee and participated in its deliberations as frequently as we could, and gave the matter referred to careful attention, and concur with the committee in their recommendation of plans.

THOMAS A. HENDRICKS.

Governor.

LEONIDAS SEXTON,

Lieutenant Governor.

MINORITY REPORT.

To the General Assembly of the State of Indiana:

We, the undersigned members of the Joint Committee to select plans for a new State House, beg leave to submit the following minority report:

That we agree fully in the bill reported by the committee. We also agree with all the reports and recommendations there presented, with the exception of recommending the plan of Charles Eppinghausen as the first choice of the committee. We recommend the plan of Elijah E. Myers as our first choice, from the fact that it is far superior, larger, executed more in detail, and the specifications are more full and complete than any other plan submitted, and he has offered more guarantees than the authors of

either of the other three plans submitted—that his plan can be executed inside of the two millions of dollars. And we further ask, in vindication of our action herein taken, that the plans and specifications be thrown open for the investigation of the Senate and House of Representatives.

M. R. SLATER,

L. D. GLAZE BROOK.

FINANCE REPORT.

Gentlemen of the Committee on State House Plans:

The following papers exhibit the bills paid and obligations incurred, as far as they can be definitely stated, and they have been reported and entered upon the books from time to time.

Respectfully,

W. W. CURRY,

Secretary of Committee.

INDIANAPOLIS, January 26, 1874.

BILLS OF EXPENSES PAID BY THE COMMITTEE:

December 18, 1873, advertising to architects.....	\$38 00
“ Advertising to Sentinel.....	44 00
“ Record book.....	14 00
“ 500 circulars to architects.....	
September 14, 1874, expressage of plans.....	34 75
October 9, 1874, moving plans to hall.....	11 00
“ Wash-towel, pitcher, towels, soap, etc.....	4 00
October 22, 1874, office desk	20 00
October 29, 1874, carpenter and lumber for racks.....	33 49
October 31, 1874, blanks for estimates.....	36 00
November, 1874, 2 tons anthracite coal.....	17 70
“ Expressage and telegrams.....	3 85
December 31, 1874, paid janitor to date.....	25 00
January, 1875, bill table, chairs, etc	59 00
“ Bill stoves, etc	149 69
“ Gas fixtures.....	28 45
	<hr/>
	\$521 68

These bills have been credited and paid by the Auditor of State by agreement with the committee and State officers, that it was just and proper to pay them.

Table of the Time Employed by the Committee.

	May 28, 1873.	June 10, 1873.	November 6, 1873.	December 20, 1873.	February 3, 1874.	September 15, 1874.	October 15, 1874.	November 14, 1874.	November 24, 1874.	December 22, 1874.	January 8, 1874.	January 22, 1874.	Total.
Senator Scott.....	2	...	2	2	3	2	11	5	5	4	2	...	38 days.
Senator Sleeth.....	2	2	2	2	3	2	11	5	5	4	2	...	41 days.
Senator Chapman.....	...	...	...	...	3	...	...	5	5	...	...	...	13 days.
Representative Branham.....	2	3	2	2	3	2	4	5	5	4	2	2	43 days.
Representative Glazebrook.....	3	5	3	3	5	3	13	5	6	5	3	4	58 days.
Representative King.....	1	3	...	...	...	...	11	5	5	4	2	2	33 days.
Total.....	10	14	9	9	17	9	57	30	31	21	9	8	226 days.

This table shows the time each member has been actually engaged and for which he is entitled to compensation :

Table of Expenses of Committee's Personals.

MEETINGS.	H. D. Scott.	M. R. Slater.	C. W. Chapman.	D. C. Bradham.	Edward King.	T. D. Glazebrook.
May 28, 1873.....					\$8 00	\$10 05
June 11, 1873.....		\$8 00		\$8 00		13 95
November 6, 1873.....						10 05
December 20, 1873.....						10 05
February 3, 1874.....	\$6 00	6 00	\$24 70	6 00		16 05
September 15, 1874.....	5 70					9 55
October 15, 1874.....	5 70					9 55
November 10, 1874.....	5 70		13 00			9 55
November 24, 1874.....	5 70		13 00			9 55
December 22, 1874.....	6 70					9 55
January 5, 1875.....	3 85					9 55
January 22, 1875.....						9 55
Totals.....	\$38 35	\$14 00	\$50 70	\$14 00	\$8 00	\$127 00

This table shows the amount of money actually paid out as traveling expenses, and which the members are entitled to have reimbursed. The rooms of the committee, rented of Judge E. B. Martindale, and engaged for six months, at eighty dollars per month, amounting to \$480.00, to March 20, 1875. No sum has been promised or named by the committee the for services of W. W. Curry as Secretary of the committee, either extra services as Secretary of State, or as Secretary during the present session of the General Assembly. The Committee on Claims is respectfully asked to consult the Governor and the members of the State House Committee, and to make a reasonable allowance.

Mr. Scott, from the same Committee, introduced

Senate Bill No. 202. A bill to authorize and provide for the erection of a new State House and for matters incidental thereto.

Was read a first time.

Mr. Winterbotham offered the following resolution :

Resolved, That both the majority and minority report on the State House plans, together with the bill be referred to the Joint Committee on Public Buildings, and that the plans be thrown open for the inspection of the members of the Senate and House of Representatives.

Mr. Gooding moved to amend by including all plans whose authors shall consent to have their plans submitted.

Which was agreed to.

Mr. Scott moved to further amend so as to authorize the Committee to correspond with the architects and obtain their consent to submit their plans to this General Assembly.

Which was agreed to.

The question recurring on the resolution of Mr. Winterbotham as amended.

Mr. Givan moved that the resolution do lie on the table.

Which was agreed to.

Mr. Scott moved to refer the majority and minority reports with the bill to the Joint Committee on Public Buildings with authority to print.

Which was agreed to.

Mr. Gooding moved that the Joint Committee on Public Buildings be authorized to correspond with architects and ascertain whether they will consent to make to this body an exhibition of their plans and specifications.

Messrs. Slater and Gooding demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Bunyan, Culbertson, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Henderson, Johnston of Parke, Neff, Peed, Sarnighausen, Skinner, Slater, and Winterbotham—16.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Cardwell, Chapman, Daggy, Davidson, Harney, Haworth, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, LaRue, Maxwell, Oliver, Rhodes, Ringo, Roe, Scott, Smith, Stockslager, Tobin, Underwood and Wilson—30.

So the motion was not agreed to.

On motion of Mr. Oliver, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

Leave of absence was granted Mr. Friedley of Lawrence, until Monday next.

Mr. Givan, from the Committee on Engrossed Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have examined and compared Engrossed Senate Bill No. 22, entitled "A bill fixing the time of holding Circuit Courts, and the length of terms thereof in the several counties of the Thirteenth Judicial Circuit of the State of Indiana, and declaring an emergency," and find the same correctly engrossed, but they recommend that the title of the act be amended by striking out the words "a bill," and substituting therefor the words "an act."

INTRODUCTION OF BILLS.

Mr. Daggy introduced

Senate Bill No. 203. An act to amend section 48 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Gooding introduced

Senate Bill No. 204. An act providing for the erection of two additional hospitals for the insane.

Was read a first time and referred to the Committee on Benevolent Institutions.

Mr. Neff introduced

Senate Bill No. 205. An act regulating the charges for transportation of freights over railroads in this State, and prescribing penalties for its violation, and declaring an emergency.

Was read a first time and referred to the Committee on Railroads.

Mr. Givan introduced

Senate Bill No. 206. An act to amend section 17 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and such other matters as properly pertain thereto," approved March 14, 1867.

Was read a first time and referred to the Committee on Corporations.

Mr. Hendricks introduced

Senate Bill No. 207. An act to amend section 74 of an act entitled "An act defining misdemeanors and prescribing punishment therefor."

Was read a first time and referred to the Committee on Judiciary.

Mr. Humphries introduced

Senate Bill No. 208. An act authorizing Judges of the Circuit Court to appoint Master Commissioners, and defining their duties and fixing the compensation of such Master Commissioners.

Was read a first time and referred to the Committee on Judiciary.

Mr. Stockslager introduced

Senate Bill No. 209. A bill to amend section 26 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, and prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 12, 1867, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Mr. Smith introduced

Senate Bill No. 210. A bill supplemental to an act entitled "An act to regulate the sale of the swamp lands donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof in accordance with the condition of said grant, this act to provide for the entry, at private sale, of such swamp lands as have not been advertised and offered at public sale as required by the act to which this is supplemental."

Was read a first time and referred to the Committee on Swamp Lands.

Mr. Gooding introduced

Senate Bill No. 211. An act to amend the sixth paragraph of the second section of "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855.

Was read a first time and referred to the Committee on Corporations.

Mr. Wilson introduced ;

Senate Bill No. 212. An act to authorize the Judge of Criminal Courts in this State to issue writs of *habeas corpus*.

Was read a first time and referred to the Committee on Judiciary.

Mr. Stockslager introduced

Senate Bill No. 213. An act to provide for the safety of passengers on railroads, preventing the running of passenger trains without bell cords, and also to prevent the use of running switches on or across the streets or alleys of cities, and prescribing punishments therefor.

Was read a first time and referred to the Committee on Railroads.

Mr. Underwood introduced

Senate Bill No. 214. An act to reimburse counties for expenses incurred in criminal prosecutions.

Was read a first time and referred to Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Major introduced

Senate Bill No. 215. A bill authorizing the organization of co-operative associations.

Was read a first time and referred to the Committee on Corporations.

Mr. Winterbotham introduced

Senate Bill No. 216. A bill to amend section 1 of an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 8, 1873.

Was read a first time and referred to the Committee on Education.

Mr. Johnston, of Parke, introduced

Senate Bill No. 217. An act defining certain misdemeanors and prescribing penalties therefor.

Was read a first time and referred to the Committee on Rights and privileges of the Inhabitants of the State.

By unanimous consent, Mr. Smith offered the following resolution:

Resolved, That the Committee on County and Township Business be instructed to report a bill requiring the County Commissioners of the several counties to let the county printing and legal advertisements at their June Term in each year to the lowest bidder.

Which was adopted.

BILLS ON SECOND READING.

Senate Bill No. 91. An act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental sections thereto.

Was read a second time.

The Report of the Committee on Education concurred in, and the bill laid on the table.

Senate Bill No. 157. An act to amend the one hundred and fifty-third section of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries and

to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Was read a second time.

The Report of the Committee on Education concurred in and the bill ordered engrossed.

Senate Bill No. 130. An act to amend section fifty-four of an act entitled "An act to revise, simplify and abridge the rules, practice pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading, and practice without distinction between law and equity," approved June 18, 1852.

Was read a second time.

Report of the Committee on Judiciary concurred in, and the bill ordered engrossed.

Senate Bill No 152. An act to amend section twenty-four of an act entitled "An act regulating descents and the apportionment of estates," approved May 14, 1852.

Was read a second time.

Report of the Committee on Judiciary concurred in, and the bill laid on the table.

Senate Bill No. 97. An act defining who shall be competent witnesses in any court or judicial proceeding in this State and to repeal all laws and parts of laws in conflict with the provisions of this act, and declaring an emergency.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary to lie on the table,

The ayes and noes were demanded by Messrs. Stockslager and Ringo.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunnan, Cardwell, Chapman, Cree, Culbertson, Davidson, Friedley of Scott, Givan, Gooding, Hackleman, Hendricks, Hough, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Peed, Rhodes, Sarnighausen, Smith, Thompson and Wilson—29.

Those who voted in the negative were,

Messrs. Daggy, Grove, Harney, Haworth, Henderson, Howard, Johnson of Floyd, Neff, Ringo, Roe, Scott, Skinner, Slater, Stockslager, Tobin, Underwood and Winterbotham—17.

So the report of the Committee was concurred in and the bill laid on the table.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 109, being an act to provide for the removal of line fences in certain cases, and prescribing the duties of justices, constables, and applicants in relation thereto. Also, Engrossed House Bill No. 128, being an act to repeal section 55 of an act to amend an act entitled "An act to authorize and regulate the business of general banking," approved March 3, 1855, and providing for turning into the general fund certain funds therein named, and declaring an emergency. Also, engrossed House Bill No. 138, being an act for the destruction of wolves and foxes, repealing all laws and parts of laws inconsistent herewith, and declaring an emergency, and said bills are herewith transmitted to the Senate for its action.

Mr. Smith, from the Committee on Phraseology and Arrangement of Bills, made the following report:

MR. PRESIDENT:

The committee have carefully examined Engrossed Senate Bill

No. 98, being an act to amend section 40 of an act entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash Rivers," approved June 7, 1852, and declaring an emergency, and find the same properly engrossed.

Senate Bill No. 39. A bill repealing the first, second, third and sixth sections of an act authorizing the assessment of all the lands within one and one-half miles on either side, or within one and one-half miles of the terminus of any plank, macadamized or gravel road, organized under and pursuant to an act of the General Assembly of the State of Indiana, entitled "An act authorizing the construction of plank, macadamized, and gravel roads," approved May 12, 1852, when the subscription to such roads amounts to at least eight hundred dollars per mile, and is not sufficient for the completion of the same, and the collection of such assessment, provided the lands are situated within the county in which such road is located, approved March 11, 1867, and all other laws authorizing the assessment and collection of any taxes or assessments for the construction of said roads, and declaring an emergency therefor.

Was read a second time.

The question being on concurring in the report of the Committee on Roads,

Mr. Slater moved the previous question.

Which was seconded by the Senate.

The question then being, shall the main question be now put?

It was agreed to.

The question being on concurring in the report of the committee,

Messrs. Neff and Bearss demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Bell, Boone, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Scott, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Howard,

Humphries, Johnson of Floyd, LaRue, Major, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Smith, Thompson, Tobin, Wilson and Winterbotham—33.

Those who voted in the negative were,

Messrs. Givan, Haworth, Hough, Maxwell, Peed, Slater, Stockslager and Underwood—8.

So the report of the committee was concurred in and the bill ordered engrossed.

On motion by Mr. Johnston of Park, the Senate adjourned until to-morrow morning, 10 o'clock, a. m.

THURSDAY MORNING.

JANUARY 28, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. J. C. Brant, Pastor of California street M. E. Church, Indianapolis.

Journal of yesterday read and approved.

Mr. Hough, from the Committee on Finance, made the following report:

MR. PRESIDENT:

Your Committee on Finance, to whom was referred Engrossed House Bill No. 182, entitled "An act to repeal sections 272 and 273 of an act entitled 'an act to provide for a uniform assessment of property and for the collection and return of taxes thereon,'" approved December 21, 1872, and declaring an emergency, have had

the same under consideration and have directed me to report the same back to the Senate with the following amendments thereto, and that when so amended its passage is recommended: Amend the title of the bill by striking out the word "repeal," in the first line and insert in lieu thereof the word "amend." Further amend the bill by striking out the words "and 573," in line 4 of the first section thereof, and further amend such first section by striking out the word "repealed," in the last line thereof, and insert in lieu thereof the following amended to read as follows: "Section 272. In all cases when any tract or lot of land is divided into parcels so that it can not be described without describing it by metes and bounds, it shall be the duty of the owner to cause such land to be surveyed and platted into lots, such plat shall be certified and recorded. The description of real estate in accordance with the number and description set forth in the plat aforesaid shall be deemed a good and valid description of the lot or parcel of land so described; *Provided, however,* That the provisions of this section shall have been returned delinquent for the nonpayment of taxes." And further amend such bill by inserting between sections 1 and 2, the following section: Section 2. And be it further enacted that section 273 of said act be and the same is hereby amended so as to read as follows:

SEC. 273. If the owner of any such tract or lot of land shall refuse or neglect to cause such survey to be made within thirty days after being notified, the County Auditor, shall cause such survey to be made and recorded and the expense thereof shall be added to the tax levied on such real property, and when collected to be paid on demand to the person to whom it is due, and further amend such bill by changing the number of the second section thereof so that its number shall be and read "section 3."

Mr. Givan moved that the report be concurred in.

Which was agreed to.

Mr. Givan moved to suspend the Constitutional rule requiring bills to be read on three several days and that Engrossed House Bill No. 182, a bill to repeal sections 272 and 273 of an act entitled "An act to provide for the uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, and declaring an emergency, be read a second time by title and a third time by sections.

The ayes and nays being taken under the rule,

Those voting in the affirmative were,

Messrs. Baxter, Beardsley, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hough, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Smith, Stockslager, Underwood and Winterbotham—42.

Those who voted in the negative were,

Messrs. Bearss, Bell and Howard—3.

So the constitutional rule was suspended, and the bill read a second time by title, report of the Committee on Finance concurred in and the bill read a third time by sections.

The question being, shall the bill pass?

The ayes and noes being taken.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Smith, Stockslager, Thompson, Underwood and Winterbotham—44.

Senator Bearss voting in the negative.

So the bill passed.

The question being, shall the title as amended stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill No. 22 entitled "A bill fixing the times of holding Circuit Courts and the length of terms thereof, in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency."

Also, Engrossed Senate Bill No. 68, being an act amendatory and supplemental to an act entitled "An act providing for voluntary assignments of personal and real property," etc., approved March 5, 1859, and declaring an emergency.

And said bills are herewith returned to the Senate.

I am further directed to inform the Senate that the House has passed the following bill:

Engrossed House Bill No. 132, being a bill to punish the indiscriminate shooting into the roostings and nestings of wild pigeons, and the same is herewith transmitted for the action of the Senate.

Mr. Peed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 77, being an act to provide for the trial of certain causes in which changes of venue are granted, have had the same under consideration, and directed me to report the same back with the following amendment:

Strike out lines ten and eleven, and insert the following: "or any practicing attorney in good standing of any county other than the one in which said cause is pending." Also, strike out all of section one after the word "appoint," and insert the following: "a regular practicing attorney of good standing of any county other than the

one in which said cause is pending;" and after so amending said bill they recommend its passage.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 43, a bill to amend the six hundred and forty-seventh section of an act approved June 18, 1852, and entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," have had the same under consideration, and a majority of said committee have directed me to report the same back to the Senate with the recommendation that the same be laid upon the table. Your committee are induced to make this recommendation upon the belief that the intended amendment is applied to the wrong section, and that there are other inaccuracies in the bill which could be cured more easily by a new bill.

Was placed on the calendar.

Mr. Johnson of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 125, a bill to amend section 16 of an act entitled "An act concerning promissory notes and bills of exchange," approved May 12, 1852, have had the same under consideration and directed me to report the same back to the Senate with the following amendments: To amend by striking out all after the enacting clause and inserting the following :

That Section 16 of an act concerning promissory notes, bills of exchange, bonds or other instruments in writing, signed by any

person who promises to pay money or acknowledges money to be due, or the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned and repealing all laws coming in conflict therewith, approved March 11, 1861, be and the same is hereby amended as follows, to-wit: Section 16. The holder of any note or bill of exchange, negotiable by the law merchant or by the law of the State, may institute one suit against the whole or any member of the parties liable to such holder, but such holder shall not at the same term of court institute more than one suit on such note or bill; *Provided*, That no judgment shall be rendered in such suit against any maker, drawer, acceptor or endorser of such note or bill unless suit is brought in the county where one or more of such makers, drawers or acceptors reside at the time such suit is begun, and when so amended they recommend its passage.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 99, a bill to amend an act entitled "An act regulating the granting of divorces, nullifications of marriages, and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act, and declaring an emergency," approved March 10, 1873, and providing that the parties in divorce suits may, in certain cases, be witnesses, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate with the following amendments:

Amend by striking out the second and third sections of the bill, and when so amended, do recommend its passage.

Was placed on the calendar.

Mr. Bell, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill

No. 115, being a bill to provide for the sale of property held in trust in certain cases therein provided, have had the same under consideration, and directed me to return the bill with the recommendation that it do pass.

Was placed on the calendar.

Mr. Bell, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 111, entitled "An act allowing the same defense to notes or bills of exchange payable in bank that are now allowed by law to notes not payable in bank, have had the bill under consideration and directed me to report the bill, with the recommendation that it be indefinitely postponed.

Was placed on the calendar.

Mr. Bell, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 137, being a bill concerning the practice in relation to appeals to the Circuit Courts, have had the same under consideration and direct me to report the same back to the Senate with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Daggy, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 162, entitled "An act providing for the commencement and prosecution of criminal actions by information and after considering the same, a majority of said committee instruct me to report the

following amendments: Strike out all after the word "same," in line 27, page 1, to the word "shall," in line 3, page 2, and in lieu thereof insert the following: "And if the facts thus elicited are sufficient to establish a reasonable presumption of guilt against the party charged, the said Prosecuting Attorney." Also, in section 2 strike out all after the word "information," in the fifth line of said section where it first occurs in said line. Also, strike out, in section 3, all after the word "intended," in line 5 in said section. Also, amend section 4 by adding, as follows: "And the word deposition or depositions in this act shall be construed to mean *ex parte* evidence taken in form of affidavit, whether in narrative or in answer to interrogatives."

Was placed on the calendar.

The hour having arrived for the special order, being the consideration of a number of resolutions requesting the Committee on Temperance, in the preparation of a bill on that subject, to insert therein the feature of local option, on motion by Mr. Bell, the Senate went into Committee of the Whole Senate with Mr. Bell in the chair.

The Committee rose and through their chairman made the following report: .

MR. PRESIDENT:

The Committee of the Whole Senate have directed me to report that they have had the resolution under consideration but have not concluded its consideration and ask leave to sit again at 2 o'clock p. m. this day.

Was concurred in, and leave granted to sit again at 2 o'clock p. m.

And the Senate took a recess.

AFTERNOON SESSION.

Senate reassembled, President in the chair.

Message from the House by Mr. Holmes, clerk thereof.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 69, being an act authorizing changes of name in certain educational institutions.

Also, Engrossed House Joint Resolution No. 3, being a joint resolution requesting our Representatives in Congress to use all proper means to secure an appropriation for the improvement of the Ohio river navigation, and the same are herewith transmitted for the action of the Senate.

I am further directed by the Speaker of the House to inform the Senate he has signed Enrolled House Act No. 43. An act to authorize the United States of America to acquire title to land in the State of Indiana by condemnation, prescribing the manner in which such condemnation shall be made, and declaring an emergency.

Also, Enrolled House Act No. 232. An act to amend section 60 of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of judges and prosecuting attorneys in certain cases," approved March 6, 1873, and providing for the return of process, writs, subpoenas, venires, rules, orders of courts and recognizances which may have been taken or issued previous to the commencement of said terms as provided in this act, and declaring an emergency for the immediate taking effect of this act, and the same are herewith transmitted to the Senate for the signature of the President thereof.

It being the hour for the further consideration of the Local Option feature, the Senate went into Committee of the Whole Senate, with Mr. Chapman in the chair.

The committee rose to receive a message from the House by Mr. Holmes, Clerk thereof:

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 201, being a bill to amend an act entitled "An act regulating the fees of officers and providing penalties for its violation, repealing certain acts therein named and providing duties to be performed by State, county and township officers and matters properly connected therewith, and declaring an emergency," approved March 8, 1873.

Also, Engrossed House Bill No. 79, being an act to amend section 83 of an act concerning the settlement of decedent's estates, approved June 17, 1851.

Also, Engrossed House Bill No. 191, being an act supplemental to an act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of judges thereof," approved February 15, 1871.

Also, Engrossed House Bill No. 193, being an act to amend section 672 of an act entitled "An act to revise, simplify and abridge the rules, practice and pleadings and forms in civil cases in courts of this State, to abolish distinct forms of action and provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Also, Engrossed House Bill No. 213, being an act to legalize taxes for 1874 of the incorporated town of Auburn in DeKalb county, Indiana, and the proceedings of the proper officers in relation thereto, and to empower the proper officers to collect said taxes, and declaring an emergency.

Also, Engrossed House Bill No. 222, being an act amendatory to an act entitled "An act to provide for the protection of wild game, prescribing penalties and declaring an emergency."

And said bills are herewith transmitted for the action of the Senate.

The Senate again went into Committee of the Whole Senate considering the same subject (local option), with Mr. Chapman in the chair.

The Committee of the Whole Senate rose and through their chairman made the following report :

MR. PRESIDENT :

The Committee of the Whole Senate has had under consideration the resolution instructing the Committee on Temperance to incorporate into any bill which they may introduce, the feature of local option, and have directed me to report the same back to the Senate and ask leave to sit again at 2 o'clock p. m. to-morrow.

Which was concurred in.

On motion by Mr. Bearss, the Senate adjourned until to-morrow morning, 10 o'clock.

LEONIDAS SEXTON,

President of the Senate.

FRIDAY MORNING.

JANUARY 29, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

Journal of yesterday read and approved.

Mr. Chapman, from the Committee on Phraseology and Arrangement of Bills, made the following report .

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills have

compared Engrossed Senate Bill No. 81 entitled "An act to transfer from the office of the Auditor of State to the General Fund of the Treasury certain sums of money held for free banks that have suspended or been wound up, and making other provisions in relation thereto," and find the same correct.

Was concurred in.

Mr. Smith, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts have had Senate Bill No. 17 under consideration, and direct me to report the same back with a recommendation that it do lie on the table.

Was placed on the calendar.

Mr. Thompson, from the Committee on Benevolent Institutions, to whom was referred Senate Bill No. 204, an act providing for the erection of two additional Hospitals for the Insane, have had the same under consideration, and have directed me to report the same back to the Senate recommending the following amendments :

After the word "land," in section 3, insert "not less than one nor more than two miles from the corporation limits of said cities respectively." Before the word "accessible" insert the word "conveniently," and strike out all of said section after the word "accessible." In section two insert before the word "commission" the word "four" instead of the word "five." After the word "who," in said section, insert the words "together with the Governor shall constitute a Board which." In place of the word "who," before the word "before," insert the words "which commissioners." Strike out the word "provided" and all of said section thereafter. Add to said section these words, "said Commissioners shall receive for their expenses and services two hundred dollars each per annua, and no more." Make section "six" No. "seven," and introduce section six to read as follows : "Sec. 6. The sum of \$400,000 is hereby appropriated out of any funds not otherwise appropriated for the expenditures incurred in pursuance of this act," and that when so amended it do pass.

Was placed on the calendar.

Mr. Chapman presented the claim of James B. Smith for paving with wood and curbing with stone Meridian street, in the city of Indianapolis, fronting out lots Nos. 5 and 36 in said city, dated August 11, 1873, for..... 4,302 18
 Interest..... 379 82

 \$4,682 00

Was read and referred to the Committee on Claims.

The President announced that he had signed Enrolled House Act No. 46, an act to authorize the United States of America to acquire title to lands in the State of Indiana by condemnation, prescribing the manner in which such condemnation shall be made, and declaring an emergency.

Also, Enrolled House Act No. 232, a bill to amend section sixty of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of judges and prosecuting attorneys in certain cases," approved March 6, 1873, and providing for the return of process, writs, subpoenas, venires, rules, orders of courts and recognizances which may have been taken or issued previous to the commencement of said terms, as provided in this act, and declaring an emergency.

BILLS ON SECOND READING.

Senate Bill No. 67. A bill to repeal section 54 of an act entitled "An act to amend an act to authorize and regulate the business of general banking," passed March 3, 1855.

Was read a second time.

Report of the Committee on Banks concurred in and the bill ordered engrossed.

Senate Bill No. 32. A bill to limit appointments to office in the Punitive Reformatory and Benevolent institutions of the State was read a second time, the report of the Committee on Prisons concurred in and the bill ordered engrossed.

Mr. Bell, from the Committee on the Phraseology and Arrangement of Bills, made the following report:

MR. PRESIDENT:

The Committee on Phraseology and Arrangement of Bills have compared the engrossed amendment passed by the Senate to House Bill No. 182, and report that they find such amendments to be correctly engrossed.

Which was concurred in.

Senate Bill No. 99. A bill to amend an act entitled "An act regulating the granting of divorces, nullifications of marriages, and decrees and orders of court incident thereto, and repealing all laws conflicting with this act, and declaring an emergency," approved March 10, 1873, and providing that parties in divorce suits may in certain cases be witnesses.

Was read a second time.

On the question of concurring in the report of the Committee on Judiciary, Mr. Daggy offered the following amendment:

Strike out the word at the end of specification 6, the word "for a period of two years."

Mr. Gooding offered the following amendment to the amendment:

Amend so that when there is a failure on the part of the husband to provide for his family for the period of six months, and the wife has no separate property with which to provide for the family, a divorce may be had.

Mr. Bell moved that both amendments do lie on the table.

Mr. Gooding demanded a division of the question.

The question then pending first being upon the motion to lie the amendment to the amendment on the table.

The ayes and noes were demanded by Messrs. Bell and Slater.

Those voting in the affirmative were,

Messrs. Baxter, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Davidson, Dykeman, Grove, Harney, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Major, Maxwell, Peed, Rhodes, Ringo, Roe, Sarnighausen, Skinner, Sleeth, Smith, Stockslager and Underwood—32.

Those voting in the negative were,

Messrs. Beardsley, Friedley of Scott, Gooding, Hackleman, Haworth, Johnson of Parke, Neff, Oliver, Scott, Slater, Thompson, Tobin, Wilson and Winterbotham—14.

So the amendment to the amendment was laid on the table.

The question now being, to lie the amendment offered by Mr. Daggy, on the table.

Messrs. Bell and Slater demanded the ayes and noes.

Those voting in the affirmative were,

Messrs. Baxter, Bell, Boone, Bowman, Bunyan, Cardwell, Culbertson, Davidson, Dykeman, Grove, Harney, Hendricks, Hough, Humphries, Johnson of Floyd, Major, Maxwell, Oliver, Peed, Rhodes, Roe, Sarnighausen and Thompson—23

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Chapman, Daggy, Friedley of Scott, Gooding, Hackleman, Haworth, Henderson, Howard, Johnston of Parke, Neff, Ringo, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Tobin, Underwood, Wilson, Winterbotham and Mr. President—24.

So the motion to lie on the table was not agreed to.

The question recurring on the adoption of the amendment offered by Mr. Daggy.

Messrs. Boone and Harney demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Daggy, Friedley of Scott, Gooding, Hackleman, Haworth, Henderson, Howard, Johnston of Parke, Neff, Ringo, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Wilson and Winterbotham—19.

Those who voted in the negative were,

Messrs. Baxter, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Hendricks, Hough, Humphries, Johnson of Floyd, Major, Maxwell, Oliver, Peed, Rhodes, Roe, Sarnighausen, Thompson, Tobin and Underwood—29.

So the amendment was not adopted.

Mr. Daggy offered the following amendment:

In section 2, strike out the words "when both are present at the time of a divorce suit."

Mr. Stockslager offered the following amendment to the amendment.

That husband and wife may elect and be compelled to testify for or against each other when the court can see that their examination as witnesses upon the points to which their testimony is offered will not lead to a violation of mutual confidence.

Mr. Sarnighausen moved that both amendments do lie on the table.

The ayes and noes were demanded by Messrs. Stockslager and Sarnighausen.

A division of the question was demanded.

The question first being to lie on the table the amendment to the amendment offered by Mr. Stockslager, the ayes and noes being taken,

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackeman, Harney, Haworth, Henderson, Hendricks, Humphries, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Thompson, Tobin, Underwood, Wilson and Winterbotham—43.

Those who voted in the negative were,

Messrs. Beardsley, Howard, Smith and Stockslager—4.

So the motion was agreed to.

The question then being, on the motion to lie on the table the amendment of Mr. Daggy.

The ayes and noes were demanded by Messrs. Bunyan and Bell.

Those voting in the affirmative were,

Messrs. Baxter, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Harney, Haworth, Hendricks, Henderson, Hough, Humphries, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Oliver, Peed, Rhodes, Roe, Sarnighausen, Scott, Slater, Sleeth, Stockslager, Thompson, Tobin, Underwood and Wilson—38.

Those voting in the negative were,

Messrs. Beardsley, Daggy, Hackleman, Henderson, Howard, Ringo, Skinner, Smith and Winterbotham—9.

So the motion was agreed to and the amendment laid on the table.

Mr. Sleeth moved to recommit the report and bill with instructions to amend so as to extend the rights of the laws of attachment to applicants for divorce in all proper causes.

Which was agreed to and the report and bill re-committed to the Committee on Judiciary.

Senate Bill No. 115. A bill to provide for the sale of property held in trust in certain cases.

Was read a second time. Report of the Committee on Judiciary concurred in.

Mr. Friedley of Scott, moved that the Constitutional rule requiring bills to be read on three several days be suspended, and that the bill be considered engrossed and read a third time now.

Mr. Boone moved to amend by striking out the emergency clause.

Which was agreed to.

The question recurring on the suspension of the Constitutional rule.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringø, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—46.

Senator Bearss voting in the negative.

So the constitutional rule was suspended, and Senate Bill No. 115, an act to provide for the sale of property held in trust in certain cases therein provided was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—46.

Senator Bearss voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Mr. Cree, from the Committee on Enrolled Bills, made the following report ;

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have compared Enrolled House Act No. 68, a bill amendatory and supplemental to an act providing for voluntary assignment of personal and real property, etc., approved March 5, 1859.

Also, Enrolled Senate Bill No. 22, a bill fixing the time of hold-Circuit Courts, and the length of the terms thereof in the several counties of the Thirteenth Judicial Circuit of the State of Indiana, and declaring an emergency, with the engrossed bills, and find them correctly enrolled.

Senate Bill No. 137, a bill concerning the practice in cases appealed to the Circuit Court.

Was read a second time, report of the Committee on the Judiciary concurred in and the bill ordered engrossed.

Mr. President laid before the Senate the following, from the Reporter of the Supreme Court :

To the President of the Senate :

SIR:—I have to-day received from the Secretary of the Senate, a copy of a resolution adopted by that Honorable Body, requesting the Reporter of the Supreme Court to inform the Senate of the number of volumes of Indiana Reports sold by him each year during his term of office, exclusive of the number furnished the State, and the actual cost per volume for printing and binding the same.

I have the honor to respectfully answer that I have standing accounts with booksellers and some others to whom I sell on credit, but when books are sold for cash or are sold on short credit to others than regular customers or are sent to customers by express to be paid for on delivery, I preserve no account of the sales. By deducting the number furnished to the State, together with the number on hand, from the whole number printed, not including the volume of which I am now receiving the first copies, I find that of the fifteen volumes published in sixteen years I have sold or otherwise disposed of 9,406 copies. The actual cost per copy for printing and binding, taking the average of the last six volumes, is for the first issue of eleven hundred copies \$2.22 $\frac{2}{3}$. This is exclusive of the cost of assistance which at present amounts to about \$40.00 per week exclusive of incidental expenses and my own services.

The cost of publishing additional copies from the stereotype plates is \$1.40 per copy not including the cost of insurance or the cost of preserving the plates for which purpose I have built a small fire-proof house. Sometime since there was a sudden increase of matter for reports in excess of the facilities for publication, so that when definite arrangement for publication had been supplied there was such an accumulation as to require the issuing of volumes in more rapid succession than will be necessary hereafter, the excess having been disposed of.

Respectfully submitted.

JAMES B. BLACK,

Reporter of the Supreme Court.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following concurrent resolutions:

WHEREAS, The Joint Committee appointed at the last session of the General Assembly to procure plans for a new State House have reported their action to the present session; and,

WHEREAS, Such report has been referred to the consideration of the Joint Committee of the present session on Public Buildings; therefore,

1. *Resolved by the House of Representatives, the Senate concurring,* That the said Committee on State House Plans be authorized and directed to transfer to the possession of the said Committee on Public Buildings the rooms, furniture, plans, books and papers pertaining to the proposed State House; that the said committee to procure plans be discharged from the further consideration of the subject.

2. *Resolved,* That the said Committee on Public Buildings be authorized and directed to take charge of said rooms and plans, safely and properly to put away those not selected until they shall be returned to their owners, and to prepare said rooms and plans so selected under the charge of their Secretary for a proper display and examination by the members of the General Assembly, and that they instruct such Secretary not to exhibit such plans to any person but members of the General Assembly and officers of the State Government, until further directed.

Mr. Scott asked that the concurrent resolution on State House plans, etc., from the House, be taken up.

Which was agreed to.

Mr. Chapman offered the following amendment:

Insert the word "so selected" after the word "shall," in line 11 of the second resolution.

Which was agreed to.

Mr. Slater offered the following amendment :

After the words "members of the General Assembly" insert "and the architects of the four plans selected."

Which was agreed to.

The concurrent resolution as amended was then adopted.

On motion by Mr. Bearss the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate assembled, President in the chair.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill No. 25, being a bill to fix the times of holding courts in the Thirty-Fourth Judicial Circuit, and declaring an emergency.

Also, Engrossed House Bill No. 224, being an act to fix the time for holding courts in the counties comprising the Thirty-fifth Judicial Circuit.

Also, Engrossed House Bill No. 69, being an act authorizing the county commissioners to levy taxes to construct, repair and purchase gravel, macadamized or other improved roads.

Also, Engrossed House Bill No. 164, being an act to amend section 74 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and said bills are herewith transmitted to the Senate for its action.

I am further directed by the House to inform the Senate that the House has adopted the report made by the joint committee appointed by the Senate and House to inquire as to what legislation in reference to the clerical force of the General Assembly may be necessary, said report recommending no change in the clerical force of the House as at present constituted, and recommending such provisions as may be necessary to increase the present force of the Assistant Secretary of the Senate.

The hour having arrived for the consideration of the special order, "Local Option," the Senate went into Committee of the Whole Senate with Mr. Boone in the chair.

The Committee rose and through the chairman made the following report :

MR. PRESIDENT :

The Committee of the Whole Senate have continued the consideration of the resolution of instruction to the Committee on Temperance directing them to incorporate the feature "Local Option," personal liberty, and like liability into any bill which they may report on the subject of Temperance, and direct me to report the resolution back to the Senate for its consideration.

The question being on the resolutions of instruction as offered by Mr. Neff, Mr. Johnson of Parke, and Mr. Sleeth, demanded a division of the question.

The first question being on the resolution of Mr. Neff, that the Committee on Temperance be instructed that in the preparation of a bill for the regulation of the sale of intoxicating liquors, among others the feature of local option shall be embodied therein.

The ayes and noes were demanded by Messrs. Bell and Bunyan.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Scott, Hackleman,

Harney, Haworth, Hough, Howard, Humphries, Johnston of Parke, Major, Neff, Oliver, Rhodes, Ringo, Roe, Scott, Tobin, Underwood and Wilson—28.

Those who voted in the negative were,

Messrs. Bell, Bowman, Culbertson, Dykman, Givan, Gooding, Grove, Henderson, Hendricks, Johnson of Floyd, Maxwell, Peed, Sarnighausen, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson and Winterbotham—20.

So the resolution was adopted.

The question on the resolution offered by Mr. Johnston of Parke, that the Committee on Temperance be instructed in the preparation of a bill to insert therein, "that persons selling intoxicating liquors to be used as a beverage shall be personally liable for all damages and injury to persons and property occasioned by such sale and use."

Messrs. Haworth and Bunyan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Scott, Harney, Haworth, Hackleman, Hough, Howard, Humphries, Johnston of Parke, Major, Maxwell, Neff, Oliver, Rhodes, Ringo, Roe, Scott, Sleeth, Thompson, Tobin, Underwood and Wilson—30.

Those who voted in the negative were,

Messrs. Bell, Bowman, Culbertson, Dykeman, Givan, Gooding, Grove, Hendricks, Henderson, Johnson of Floyd, Peed, Sarnighausen, Skinner, Slater, Smith, Stockslager, and Winterbotham—17.

So the resolution was adopted.

The question on the resolution offered by Mr. Sleeth that the Committee on Temperance should incorporate in their bill a provision making it alike criminal on the part of the purchaser and

seller of intoxicating liquors in all cases, where such sale is made in violation of laws.

Messrs. Sleeth and Haworth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bell, Boone, Bowman, Bunyan, Cardwell, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Humphries, Johnson of Floyd, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood Wilson and Winterbotham—42.

Those who voted in the negative were,

Messrs. Bearss, Chapman, Cree, Gooding, Howard and Johnston of Parke—6.

So the resolution was adopted.

On motion of Mr. Harney the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY MORNING.

JANUARY 30, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. Dr. Dean.

Journal of yesterday read, corrected and approved.

Mr. Smith, from the Committee on Phraseology and Arrangement of Bills, made the following report :

That they have carefully compared Engrossed Senate Bill No. 115, being an act to provide for the sale of property held in trust in certain cases therein provided, and direct me to report that the same is correctly engrossed.

Petitions, memorials, remonstrances, etc., by Mr. Baxter, from citizens of Wayne county, on the subject of fees and salaries.

Was read and referred to the Committee on Fees and Salaries.

By Mr. Grove, from citizens of Brown county on the same subject.

Was read and referred to the Committee on Fees and Salaries.

Mr. Dykeman, from the Committee on Elections, made the following report :

MR. PRESIDENT :

The Committee on Elections, to whom was referred the case of William C. Walker, of the county of Tippecanoe, who contested the seat of Hon. John LaRue, who now holds a seat in this Senate by virtue of a commission issued to him entitling him to become a member of the General Assembly of the State of Indiana as Senator for the county of Tippecanoe, for the term of four years from the 13th day of October, 1874, have had the matter under consideration, and instructed me to submit to the Senate the following report :

The committee find that on the 19th day of October, 1870, the Hon. John M. LaRue was duly commissioned as Judge of the Common Pleas Court for the Twenty-Third Judicial District of the State of Indiana for the term of four years, having been duly elected thereto at the October election for that year; that he qualified and entered upon the discharge of his official duties, and served in the office until the 6th day of March, 1873, when he retired therefrom by reason of the Court and office being abolished on that day by the General Assembly of the State of Indiana; that at the October election, 1874, he was, by a majority of the qualified voters of Tippecanoe county, elected to the office of State Senator; that the contestee, William S. Walker, was also an opposing candidate

for the same office, but did not receive a majority of the votes cast for that office. Walker contests the election of LaRue not on account of his not having a majority of the votes cast, but by reason of the contestee's ineligibility to the office of State Senator, claiming that the judicial term for which he had been elected had not yet expired. The committee find that the claim of the contestee is groundless; that the office of Judge of the Common Pleas Court was not a constitutional one, but a creature of the Legislature, and, although the term was nominally for four years, yet it was wholly within the province of the Legislature to shorten it, which they did on the 6th day of March, 1873, by abolishing the office entirely. Therefore, the committee concluded that the election of the contestee was not in violation of Section 16, Article 7, of the Constitution of the State of Indiana, which prescribes that no person elected to any judicial office should during the term for which he shall have been elected be eligible to any office of trust or profit under the State other than a judicial office; that the term of the office of Common Pleas Judge expired March 6, 1873; that the Hon. John M. LaRue was eligible to the office of State Senator at the October election, 1874; that he is duly elected to that office by the qualified voters of Tippecanoe county, and is lawfully entitled to his seat in this body for the term of four years from and after the second Tuesday in October, 1874. The committee, therefore, recommend the passage by the Senate of the following accompanying resolution:

Resolved, That the Hon. John M. LaRue was duly elected Senator from Tippecanoe county, and is entitled to hold a seat in this body for the term of four years from and after the second Tuesday in October, 1874.

The report of the Committee was concurred in and the resolution adopted.

Mr. Bell, from the Committee on Phraseology and Arrangement of Bills, to whom was referred Engrossed Senate Bill No. 130, an act to amend section 54 of the act to simplify the rules of practice, etc., have had the same under consideration and herewith report the same as correctly engrossed.

The President announced that he had signed Enrolled Senate Act No. 22, an act fixing the times of holding Circuit Courts and the

length of terms thereof in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency.

Also, Enrolled Senate Act No. 68, an act amendatory and supplemental to an act entitled "An act providing for voluntary assignment of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same," approved March 5, 1859, and declaring an emergency.

Mr. Peed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 70, being an act in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same, and declaring an emergency, have had the same under consideration, and direct me to report the same back to the Senate with the following amendments, to-wit: By inserting the word "day" after the word "twenty-fifth" in line six of section one, and by striking out the word "other" in line seven of section 1, and by striking out section two of said bill, and after the bill is so amended they recommend that the bill do pass.

Was placed on the calendar.

Mr. Peed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT;

Your committee to whom was referred Senate Bill No. 76, being an act to amend section 8 of an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1852, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that said bill be indefinitely postponed.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

¶ The Committee on Judiciary, to whom was referred Senate Bill No. 144, an act supplemental to an act approved January 21, 1852, entitled "An act authorizing Circuit Courts to change the names of persons and corporations, have had the same under consideration, and a majority of said committee have directed me to report the same back to the Senate with the following amendment: Strike out the 2d section of the bill, and when so amended recommend its passage.

Was placed on the calendar.

Mr. Daggy, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 168, entitled "An act to amend section 46 of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction," approved June 9, 1852, have had the same under consideration and instructed me to report the following amendments: Strike out on page 1 all in lines 15 to 23 inclusive. Also, strike out in lines 32 and 33 the word "and imprisonment not exceeding ten days," and in lieu thereof insert the following to-wit: "imprisonment not exceeding three days may be added," and when so amended recommend its passage.

Was placed on the calendar.

Mr. Daggy, from the Judiciary Committee, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred the Petition No. 3 from citizens of Monroe county on the subject of limiting the jurisdiction of the grand jury to felonies alone, have had the same

under consideration and instructed me to return the same recommending that the same do lie on the table, as the subject matter thereof has already been under consideration by the Senate.

Which was concurred in.

Mr. Daggy, from the same Committee, made the following further report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 110, entitled "An act to limit the numbers of grand and petit jurors in the courts of this State," have had the same under consideration and direct me to return the same back to the Senate recommending that the same lie on the table for the reason that the subject matter of said bill, in part at least, has already been brought under consideration in the Senate by a prior bill.

Was placed on the calendar.

Message from the House by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker to inform the Senate that he has signed Enrolled Senate Bill No. 22, an act fixing the time of holding Circuit Courts and the length of terms thereof in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency.

Also, Enrolled Senate Act No. 68, an act amendatory and supplemental to an act entitled "An act providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same," approved March 5, 1859, and declaring an emergency.

And the same are hereby returned to the Senate for the signature of the President.

Mr. Scott, from the Committee on Education, made the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate Bill No. 48, introduced by Mr. Bunyan, being a bill to amend section one of an act to amend an act entitled "An act to provide for a general system of common schools," approved March 6, 1865, and adding supplemental section thereto, approved March 8, 1873, have had the same under consideration, and have directed me to report the accompanying bill as a substitute for said bill No. 48, and that upon the adoption of the recommendation that said engrossed bill be laid on the table.

Was placed on the calendar.

Mr. Scott, from the same committee, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred a petition from the citizens of Henry and Rush counties, praying the enactment of a compulsory education law, and a petition from J. R. Pendleton, praying for the establishment by law of a theological educational department supported by the State, have had such petitions under consideration, and have directed me to report them back to the Senate with a recommendation that they lie upon the table.

Which was concurred in.

Mr. Major, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred Senate Bill No. 185, entitled "An act to amend section 1 of an act entitled 'an act to authorize Township Trustees, Trustees of incorporated towns and the Common Council of cities to levy a tax for school purposes,'" approved March 9, 1867, have had such bill under consideration and directed me to report the same back to the Senate with a recommendation for its passage.

Was placed on the calendar.

Mr. LaRue, from the Committee on Education, made the following report :

MR. PRESIDENT :

The majority of the Committee on Education have instructed me to report to the Senate the following original bill, recommending its passage: Senate Bill No. 218, a bill fixing the number of the Trustees of Purdue University, prescribing the manner of their appointment, providing for the organization of said board and repealing all laws in conflict with the provisions of this act.

Was read a first time.

Mr. LaRue, from the Committee on Education, made the following report :

MR. PRESIDENT :

The Committee on Education have had Senate Bill No. 142, an act to amend section 27 of an act to provide for a general system of common schools, the officers thereof, and their respective duties and powers, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, under consideration, and have instructed me to report the same back to the Senate recommending that the bill be amended as follows :

Strike out that portion of the bill commencing with the words "shall appoint," in last line of the first page to and including the word "hands," in line 18, of the second page, and insert the following: "may apply to the Circuit Court of the county in which the lands selected as a site for said school house is situated, or to the Judge thereof, after giving five days notice to the owner or owners of said lands of the time and place of making such application, and such court, or Judge, shall determine on proof as to the propriety of such location, and the amount of damage occasioned by the appropriation, and the decision of such court, or Judge, shall be final. The Trustees shall pay or tender to the owner of said land the value thereof so ascertained, if the proprietor of the location be found, out

of the special school revenue in his hand, together with the cost of such proceedings, provided, however, that no more than three witnesses shall be subpoenaed, or sworn, in behalf of each party as to the amount of damage," and when so amended to recommend its passage.

Was placed on the calendar.

Mr. LaRue, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred Senate Bill No. 216, entitled "A bill to amend section 1 of an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'" approved March 8, 1873, have had such bill under consideration and have directed me to report the same back to the Senate with a recommendation that it lie upon the table.

Was placed on the calendar.

Mr. Hough, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was recommitted Senate Bill No. 28, entitled "An act to amend an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, etc.,'" approved March 7, 1873, with instructions to amend the same, have directed me to report the bill back to the Senate with the recommendation in accordance with said instructions that the same be amended as follows :

First. Amend section 1 by striking out all that portion thereof included between the word "that," in line 65, and the word "by," in line 68, and insert in lieu thereof the following phrase : Any tract of

land containing more than five acres, lying within the corporate limits of such city, not exceeding in value the sum of three hundred dollars per acre which is held or owned. Also, by inserting the word "purposes" after the word "farming," in line 71. Also, by striking out the word "said," in line 71. Also, by inserting between lines 71 and 72, the following: "Purposes including schools at any higher rate per cent. than other lands are taxed in the township in which such city is situated." Also, by inserting after the word "further," in line 72, the following: "That any incorporated city not having a population exceeding ten thousand shall not have power to levy and cause to be assessed and collected for general purposes, a tax of more than one-half of one per centum in any one year, and be it further provided," and without further recommendation submit the bill back to the Senate for its further consideration.

Was placed on the calendar.

Mr. Hough, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 211, entitled "An act to amend the sixth paragraph of the second section of an act concerning the organization of voluntary associations," etc., approved February 12, 1855, have had the same under consideration and have directed me to report the bill back to the Senate with the recommendation that it be indefinitely postponed.

Was placed on the calendar.

Mr. Bunyan, from the Committee on Roads, made the following report:

MR. PRESIDENT:

Your Committee on Roads, have had under consideration Senate Bill No. 149, entitled "An act legalizing extensions of plank, gravel and turnpike roads, beyond their terminal points mentioned in the articles of associations of companies making such extension,

to authorize such companies to take tolls for travel over such extensions, and to authorize such extensions to be thereafter made providing for the inspection of such roads and what shall be the effect of such inspections and curing certain defects in the articles of associations of such companies, and instruct me to report the same back and recommend its passage.

Was placed on the calendar.

Mr. Haworth, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate Bill No. 158, entitled "An act to amend the fifth section of an act entitled 'an act to prohibit the collection of tolls on gravel, turnpike, macadamized and plank roads in certain cases, and to provide a mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith,'" approved March 5, 1869, have had the same under consideration and instructed me to report the same back to the Senate with the recommendation that a proviso be added to section one, namely, that the provisions of this act shall not apply to any case or cases now commenced and pending, and that when so amended the same do pass.

Was placed on the calendar.

Mr. Hough, from the Committee on Benevolent Institutions, made the following report :

MR. PRESIDENT :

The Committee on Benevolent Institutions of the State, to whom was referred Senate Bill No. 155, entitled "A bill supplemental to an act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,' approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devices by will to be made to any corporation or association contemplated by this act,"

approved February 12, 1855, have had the same under consideration and have directed me to report the bill back to the Senate with the recommendation that the bill be amended as follows :

1. Amend section 1 by adding the following provisions thereto : *Provided, however,* That the provisions of this act shall not apply to any such asylum as has been or may be, in whole or in part, established or controlled by, or which is in any manner connected with any church or religious sect or organization.

2. Amend section 2 by inserting after the word "associations," in line 11, the following : To some entitled person to have the custody and training of such children whenever the same can be done on such terms as will, in their opinion, secure to such children a proper maintenance and education.

And that when so amended they recommend the passage of the bill.

Was placed on the calendar.

Mr. Boone, from the Committee on Agriculture, made the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate Bill No. 199, a bill to amend the second section of an act entitled "An act to amend the second, sixth, and seventh sections of an act entitled 'An act concerning the organization of voluntary associations, and repealing former laws in reference thereto,'" approved February 12, 1855 ; approved March 6, 1868, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendments, viz :

Amend section one, twentieth line, first page, after the word "thereto," insert the words "approved February 12, 1855 ; twenty-first and twenty-second lines, same page, strike out the words "which read as follows, to wit ;" strike out all of the twenty-third line, page one, except the word "be ;" strike out all the twenty-fourth line, same page, except the word "amended ;" strike out the words "so as," twenty-fifth line, page one, and insert after the word "any," twenty-seventh line, the words "number of ;" strike out of

the fourteenth and fifteenth lines, second page, fifth specifications, the words "Grange of the Patrons of Husbandry and ;" amend by adding to the fifth specification, line twenty-second, page second, after the word "societies" the following:

Also, to organize a State Grange of the order of the Patrons of Husbandry and other Granges subordinate to the State Grange, and when so amended recommend its passage.

Was placed on the calendar.

Mr. Dykeman, from the Committee on Banks, made the following report:

MR. PRESIDENT:

The Committee on Banks, to whom was referred Senate Bill No. 82, entitled "An act to vest in the assignors of the branches of the Bank of the State of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said bank, the possession, collection and enjoyments of the assets assigned, and to have legal process and to give acquittance in their own names and to secure to them other rights, and declaring an emergency, have had the same under consideration and have instructed me to report the same back to the Senate without any recommendation.

Was placed on the calendar.

Mr. LaRue, from the Committee on Military Affairs, made the following report:

MR. PRESIDENT:

The Committee on Military Affairs, to whom was referred Senate Bill No. 21, "An act to prohibit the sale, gift or bartering of deadly weapons or ammunition therefor to minors," have had the same under consideration and the majority have instructed me to report the same back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Sarnighausen, from the Committee on Rights and Privileges of the Inhabitants of this State, made the following report :

MR. PRESIDENT :

Your Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 89, entitled "An act for the organization of camp meeting associations, and providing for the government thereof," have had the same under consideration and have directed me to report it back with the recommendation that it do pass.

Was placed on the calendar.

Mr. Sleeth, from the Committee on Railroads, made the following report :

MR. PRESIDENT :

Your Committee on Railroads, to whom was referred Senate Bill No. 93, entitled "An act to repeal an act entitled 'an act to enable counties bordering on the State lines, or rivers forming State boundaries, and townships and cities therein to aid in the construction of railroads opposite such counties in other States, to run to such counties or State line, or river forming the State boundary bordering such counties or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid, and declaring an emergency,' " approved December 14, 1872, have duly considered the same, and by a majority vote of such committee, have instructed me to report said bill back to the Senate with a recommendation that it do pass.

Was placed on the calendar.

Mr. Sleeth, from the same Committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 179, entitled "An act regulating the number of grand jurors and the manner of their selection and defining their jurisdiction," have had the same under consideration and have instructed me to

report the same back to the Senate with the recommendation that the same be amended by striking out section number three of the bill and by adding at the close of section number four of the bill the following, to-wit:

Provided, That this act shall not be construed to effect in any way pending indictments or indictments which may be found by any grand jury before this act takes effect, but the same shall be tried and disposed of as if this act had not been passed," and that the bill when so amended is submitted to the Senate for its action thereon without further recommendation from the Committee.

Was placed on the calendar.

The Committee on Prisons was granted leave of absence until next Tuesday, Mr. Smith until Wednesday next, and to Mr. LaRue until Thursday next.

Mr. Sleeth, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 103, a bill to enable administrators appointed by the authority of other States to sell lands in this State to pay debts, and declaring an emergency, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that the same be amended by striking out all that portion of the bill after the enacting clause, and inserting in lieu thereof the following: "That Sections Nos. 95, 96 and 97 of an act entitled "An act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements," approved June 17, 1852, be amended so as to read as follows, to wit:

When any executor, administrator, or administrator with will annexed shall be appointed without, and there shall be no executor, administrator, or administrator with will annexed within this State, the person so appointed may file an authenticated copy of his appointment in the Court having probate jurisdiction in any county

in which there may be real estate of the deceased, and in any case of an executor, also authenticated copy of the will, after which he may be authorized by such Court to sell real estate for the payment of debts or legacies in the same manner and upon the same terms as in the case of an executor, administrator, or administrator with will annexed, appointed in this State, except as herein-after provided; whenever it shall appear to the Court that such foreign executor, administrator, or administrator with will annexed is bound with sufficient sureties in the State or county in which he was appointed to account for the proceeds of such sale for the payment of debts or legacies, and a copy of such bond duly authenticated shall be filed in such Court, no further bond shall be required of him, if, however, such authenticated copy of his appointment is filed, and such Court shall have exclusive jurisdiction to direct the sale of any lands of the decedent, situated in any county in this State, he is not thus sufficiently bound, he shall give bond in said Court as required in like cases in this State.

SEC. 3. All proceedings by a foreign executor, administrator, or administrator with will annexed, in respect to the sale of land shall be had in the Court in which such authenticated copy of his appointment is filed, and such Court shall have exclusive jurisdiction to direct the sale of any lands of the decedent, situated in any county in this State.

SEC. 4. Sales of such real estate, as to giving notice concerning the taking of notes and mortgages, return and confirmation, or vacation shall be conducted in like manner as herein provided in relation to sale by an administrator for the payment of debts, unless by the terms of will; in cases of an executor, different directions are given, and that when so amended the bill do pass.

Was placed on the calendar.

Mr. Sleeth, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 109, a bill making it a misdemeanor for any one having a wife or wife and children to desert or abandon them without means of

support and having no just and reasonable cause for such desertion, and prescribing the penalty therefor, have had the same under consideration, and have instructed me to report the same back to the Senate with the recommendation that the same be indefinitely postponed.

Was placed on the calendar.

Mr. Humphries offered the following resolution :

Resolved, That the Committee on Education be instructed to report a bill abolishing the office of County Superintendent.

Mr. Bell offered the following amendment :

Amend by adding "or so amend the law as that the Superintendent shall be required to visit in person only such schools in the county as shall be designated by the Board of Commissioners."

Mr. Rhodes offered the following amendment :

Amend so that township institutes shall be abolished.

Which was not agreed to.

Mr. Daggy offered the following amendment to the amendment :

To amend by adding "whether the said office should be so regulated that the same shall be less expensive."

Which was agreed to.

Mr. Gooding moved that the amendment of Mr. Bell do lie on the table.

Messrs. Bell and Humphries demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Cardwell, Chapman, Culbertson, Daggy, Gooding, Harney, Henderson, Hendricks, Humphreys, Neff, Rhodes, Ringo, Roe, Sarnighausen, Skinner, Slater, Smith, Tobin and Wilson—20.

Those who voted in the negative were,

Messrs. Baxter, Bell, Boone, Bowman, Bunyan, Davidson, Dykeman, Friedley of Scott, Givan, Grove, Hackleman, Haworth, Hough, Johnston of Parke, LaRue, Major, Maxwell, Oliver, Peed, Scott, Sleeth and Thompson—22.

So the motion to lie on the table was not agreed to.

The question then being on the amendment offered by Mr. Bell,
It was agreed to.

The question now recurring on the resolution of Mr. Humphries as amended,

Messrs. Gooding and Humphries demanded the ayes and noes, when

Mr. Johnston of Parke, offered the following amendment: "Upon the written request of the Township Trustee, stating the reason why he thinks it necessary for the Superintendent to visit such schools."

Mr. Hough offered the following as a substitute to the amendment of Mr. Johnston of Parke:

Strike out the word "County Commissioners," and insert in lieu thereof "the Township Trustee or Board of School Trustees of the incorporated town in which said school to be visited is located."

Which was agreed to.

Mr. Dykeman moved that when the Senate adjourn it be until Monday next at 2 o'clock, p. m.

Which was agreed to.

The question again recurring on the resolution and amendments,

Mr. Gooding moved that the whole subject matter be referred to the Committee on Education.

Which was agreed to.

On motion of Mr. Dykeman the Senate adjourned until Monday afternoon, 2 o'clock.

MONDAY AFTERNOON.

FEBRUARY 1, 1875—2 O'CLOCK.

Senate assembled, President in the chair.

Journal of Saturday, January 31, read and approved.

PETITIONS, MEMORIALS, REMONSTRANCES, ETC.

By Mr. Bunyan, a petition from citizens of the State asking such legislation as will compel railroad companies to fence their track.

Was read and referred to the Committee on Railroads.

By Mr. Slater, a remonstrance from citizens of Shelby county, protesting against the repeal of section 1 of an act approved March 8, 1873, providing for the payment of taxes in semi-annual installments, etc.

Was read and referred to the Committee on Finance.

By Mr. Oliver, a memorial from citizens of Indiana in behalf of the Indiana State Sportsmen and Protective Association.

Was read and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Message from the Senate by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the Speaker to inform the Senate that the House has concurred in the amendments of the Senate to the concurrent resolution of the House concerning State House plans.

Mr. Bell, from the Committee on Phraseology and Arrangements of Bills, made the following report:

That Senate Bill No. 137, an act concerning the practice in case appealed to the Circuit Court.

Was correctly engrossed.

Mr. Johnston of Parke, from the Committee on Rights and Privileges, made the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges, to whom was referred Senate Bill No. 13, a bill to repeal an act entitled "An act to authorize aid to the construction of railroads by county and townships taking stock in and making donations to railroad companies," have had the same under consideration and direct me to make the following report: That the original bill lay on the table and to substitute therefor the following Senate Bill No. 219: A bill to amend the 1, 2, 3 4, 8, 13 and 17 sections of an act entitled "An act to authorize aid to the construction of railroads by county and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and when so substituted they recommend its passage.

Was read a first time and placed on the calendar.

Mr. Bell, from the Joint Select Committee, made the following report:

MR. PRESIDENT:

The Joint Committee, to whom was referred the concurrent resolution on the clerical force of the two Houses, would report that there is no necessity for an increase in the House, but that from the condition of the work in the Senate there is need for an increase in the department of the Assistant Secretary. He is required to do the same work as the Assistant Clerk of the House with two less clerks. We would recommend that provisions be made for the relief in this respect in his department.

Which was concurred in.

Mr. Cree, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The Joint Committee on Enrolled Bills report that on the 30th

day of January, 1875, they presented to the Governor, for his approval, the following enrolled Senate bills, to-wit :

Enrolled Senate Bill No. 68, an act amendatory and supplemental to an act providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same, approved March 5, 1859, and declaring an emergency.

Also, Enrolled Senate Bill No. 22, an act fixing the time of holding Circuit Courts, and the length of terms thereof, in the several counties of the Thirtieth Judicial Circuit of the State of Indiana, and declaring an emergency.

Mr. Gooding offered the following resolution :

WHEREAS, It is held by some judges of this State that Prosecuting Attorneys have the right to appear before Justices of the Peace, by themselves or by deputy, and prosecute persons charged with committing misdemeanors, and charge fees therefor; and

WHEREAS, Other judges hold the contrary opinion; therefore, be it

Resolved, That the Committee on Fees and Salaries be, and the same is hereby instructed to inquire into the expediency of passing a law either allowing or prohibiting the collection of fees in such cases, and in case fees shall be allowed, fixing the amount to be allowed, and that said committee report by bill at as early a day as practicable.

Which was adopted.

Mr. Rhodes offered the following resolution :

Resolved, That the Committee on Fees and Salaries be instructed to incorporate into any fee bill reported by them the following propositions :

1. To the Secretary, Auditor and Treasurer of State, a definite and certain salary, and payment into the State Treasury of all fees and perquisites of said office.

2. That the compensation to the officers of the prison, benevolent, charitable and reformatory institutions be revised and made uniform and certain, as nearly as practicable.

3. Reduction of the salaries of judges of the Criminal Courts to twelve hundred dollars per year.

4. The fees to the County Clerks and Sheriffs reduced in number with a strict provision against constructive fees, and an allowance from the treasury in small counties when the fees allowed are insufficient to command the services of good men for said offices.

5. County Auditors and Treasurers given a fixed salary to which may be added for Auditors a schedule of fees for services rendered for individuals, and to Treasurers a reasonable per cent. for collecting delinquent taxes to be paid out of such collections.

6. No fees to be charged against decedents' estates, or in guardianships, by Clerks, but that such officer be allowed a sum in gross based on the population of the county, to be paid out of the county treasury.

Mr. Neff offered the following amendment :

That the Governor's salary shall be six thousand dollars. That the salary of the Supreme Judges be thirty-five hundred dollars. That the salary of the Circuit Judges be two thousand dollars. That the salary of the Attorney General be two thousand dollars.

On motion by Mr. Rhodes, the resolution and amendment were made a special order for Tuesday next, 10 o'clock, a. m.

Mr. Neff offered the following resolution :

Resolved, That the Secretary of State, Auditor of State, and Treasurer of State, be requested to furnish to the Senate the amount of fees and perquisites received by their predecessors during the term of their office for the years 1873 and 1874, and that said report be made at the earliest day.

Which was adopted.

INTRODUCTION OF SENATE BILLS ON FIRST READING.

Mr. Peed introduced

Senate Bill No. 220. A bill to provide for the appointment of a proper person to collect, arrange and index the Wabash and Erie Canal, Michigan road, University, Saline, Seminary and Donation lands, and the preservation of records pertaining to the same.

Was read a first time and referred to the Committee on Swamp Lands.

Mr. Friedley of Lawrence introduced

Senate Bill No. 221. A bill prohibiting the carrying or depositing of public money by State or County Treasurers, and the receiving qualities thereof by banks, bankers, brokers, loan agents, and other institutions or persons, and prescribing penalties.

Was read a first time and referred to the Committee on Banks.

Mr. Daggy moved to suspend the order of business and take up bills on second reading.

Which was agreed to.

BILLS ON SECOND READING.

Senate Bill No. 48. A bill concerning the election and organization of Board of School Trustees, and declaring an emergency.

Was read a second time.

The report of the Committee on Education concurred in and the bill laid on the table, and the following substitute for Senate Bill No. 48, a bill to amend section one of an act to amend an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penal-

ties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873.

Was read a second time and ordered engrossed.

Senate Bill No. 109. A bill making it a misdemeanor for any one having a wife, or wife and children, to desert or abandon the same without means of support, and having no just or reasonable cause for such desertion and prescribing the penalty thereof.

Was read a second time.

The question being, on concurring in the report of the Committee on Judiciary to indefinitely postpone the further consideration of this bill.

Mr. Hough offered the following amendment :

Recommit the bill to the Committee on Rights and Privileges with instructions to amend so as to make it a misdemeanor for a father to expel his child or children from home and fail to supply them with the necessities of life.

Which was not agreed to.

The question recurring on the report of the committee to indefinitely postpone,

Messrs. Slater and Sleeth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Henderson, Hendricks, Humphries, Johnston of Parke, Major, Peed, Rhodes, Roe, Sarnighausen, Scott, Skinner, Sleeth, Tobin and Wilson—33.

Those who voted in the negative were,

Messrs. Harney, Haworth Hough, Maxwell, Oliver and Slater—6.

So the report was concurred in and the bill indefinitely postponed.

Senate Bill No. 179. A bill regulating the number of grand jurors and the manner of their selection, and defining their jurisdiction.

Was read a second time and the report of the Committee on Judiciary concurred in.

Mr. Sleeth offered the following amendment to the bill: Strike out the word "six," in section 2, and insert in lieu thereof the word "thirty."

Mr. Peed offered the following amendment to the bill:

Amend by inserting the following amendment: Section 3, "such grand jury shall have jurisdiction of felonies only."

Mr. Scott moved to recommit the bill and amendments to the Committee on Judiciary.

Which was agreed to.

Senate Bill No. 93. An act to repeal an act entitled "A bill to enable counties bordering on the State line or now forming State boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties, in other States, to run to such counties, or to the State line, or river forming the State boundary bordering such counties, or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid," approved December 14, 1872.

Was read a second time. The report of the Committee on Railroads concurred in and the bill ordered engrossed.

Senate Bill No. 89. A bill for the organization of Camp Meeting Associations and providing for the government and management thereof, and declaring an emergency.

Was read a second time, report of the Committee on Rights and Privileges concurred in, and the bill ordered engrossed.

Senate Bill No. 21. A bill to prohibit the sale, gift, or bartering of deadly weapons or ammunition therefor to minors.

Was read a second time, the report of the Committee on Military Affairs concurred in and the bill ordered engrossed.

Senate Bill No. 82. A bill to vest in the assignees of the branches of the Bank of the State of Indiana the right to enforce in their own names, either before or after the expiration of the charter of said bank, the possession, collection and enjoyment of the assets so assigned, and to have legal process and to give acquittances in their own names, and to secure to them other rights.

Was read a second time.

By unanimous consent the emergency clause was stricken out and the bill ordered engrossed.

Senate Bill No. 199. An act to amend section second of an act entitled "An act to amend the second, sixth and seventh sections of an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,'" approved February 12, 1855, approved March 6, 1865.

Was read a second time, report of the Committee on Agriculture concurred in and the bill ordered engrossed.

Senate Bill No. 155. A bill supplemental to an act concerning the organization and perpetuity of voluntary associations and repealing an act entitled "An act concerning the organization of voluntary associations and repealing former laws in reference thereto, approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts, or devises by will to be made to any corporation or purpose contemplated by this act and providing that the Boards of Commissioners of counties shall in certain cases allow for the support of orphan children who are cared for by associations organized under the third specification of the second section of said act and requiring such orphan children to be furnished with homes as expeditiously as practicable, and making the senior commissioner in service a member ex-officio of the board of officers of such association, also providing that no distinction shall be made on account of the nativity, complexion or religious belief of such orphan or their parents.

Was read a second time, the report of the Committee on Benevolent Institutions concurred in and the Bill ordered engrossed.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the House, to inform the Senate that the House has passed Engrossed House Bill No. 101, entitled "An act to regulate public warehouses and warehousing, and inspecting and mixing grain and making warehouse receipts assignable, and negotiable by the law merchant and providing a penalty for assessing false or fraudulent receipts of warehousemen and for fraudulently removing property therefrom."

Also, That the House has passed Engrossed House Bill No. 66, entitled "A bill declaring illegal and void agreements to pay attorney fees contained in any bill of exchange, acceptance, draft, promissory note or other written evidence of indebtedness, and declaring an emergency."

Also, that the House has passed Engrossed House Bill No. 153, entitled "An act to legalize the acts of the incorporation of the town of Portland, Jay county, Indiana, and to legalize each and every official act of the several Boards of Trustees of said corporation and all the acts of each and every officer of the same under the act for the incorporation of towns, defining their powers, providing for the election of officers and declaring an emergency."

Also, that the House has passed Engrossed House Bill No. 196, entitled "An act to amend section 26 of an act entitled 'an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases,' " approved June 9, 1852, which bills are herewith transmitted to the Senate for its action thereon.

Also, that the house has passed Engrossed Senate Bill No. 115, entitled "An act to provide for the sale of property held in trust in certain cases therein provided, and declaring an emergency," and the same is herewith returned to the Senate.

Senate Bill No. 149, a bill legalizing extensions of plank, gravel and turnpike roads beyond their terminal points mentioned in the articles of association of companies making such extension, to

authorize such companies to take tolls for travel over such road, and what shall be the effect of such inspections and to cure certain defects in the articles of association of such companies.

Was read second time.

The question being on concurring in the report of committee.

Mr. Sleeth moved to recommit the bill and report to the Committee on Corporations.

Which was agreed to.

Senate Bill No. 211, an act to amend the sixth paragraph of the second section of an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855.

Was read a second time.

Mr. Gooding moved that the report and bill be recommitted to the Committee on Corporations.

Which was agreed to.

Senate Bill No. 41, a bill limiting the number of justices of the peace in each township, prescribing their jurisdiction and requiring them to use a seal, and repealing all laws in conflict with the provisions of this act.

Was read a second time.

Mr. Neff moved to recommit the bill and report of the committee to the Committee on County and Township Business.

Which was agreed to.

Senate Bill No. 28. A bill to amend an act entitled "An act to amend section fifty-eight of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto,'" approved March 14, 1867, and declaring an emergency, approved March 7, 1873.

Was read a second time.

The question being on concurring in the report of the Committee on Corporations,

Mr. Sarnighausen offered the following amendment :

Amend so as to read as follows: *Provided*, That in all cities with less than 8,000 inhabitants all tracts of land containing five acres or more, exclusively for farming purposes, and worth less than \$300 per acre, lying within the limits of such cities, shall be exempt from taxation by such city.

Mr. Bearss moved that the amendment do lie on the table.

Messrs. Slater and Bell demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bunyan, Chapman, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Gooding, Hough, Humphries, Maxwell, Neff, Oliver, Ringo, Roe, Scott and Tobin—18.

Those who voted in the negative were,

Messrs. Bell, Boone, Bowman, Culbertson, Dykeman, Givan, Grove, Hackleman, Harney, Haworth, Hendricks, Johnston of Parke, Major, Peed, Rhodes, Sarnighausen, Skinner, Slater, Sleeth and Wilson—20.

So the motion to lie the amendment on the table was not agreed to.

Mr. Dykeman moved that the bill, report and amendments be indefinitely postponed.

Messrs. Bearss and Sarnighausen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Bunyan, Culbertson, Dykeman, Givan, Grove, Hackleman, Haworth, Rhodes, Sarnighausen, Skinner, Sleeth and Wilson—13.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Boone, Bowman, Cardwell, Chapman, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Gooding, Harney, Hendricks, Hough, Humphries, Johnston of Parke, Major, Maxwell, Neff, Oliver, Peed, Ringo, Roe, Scott, Slater and Tobin—26.

So the motion to indefinitely postpone was not agreed to.

Leave of absence was granted to the Committee on Reformatory Institutions for to-morrow.

The pending question being on concurring in the report of the Committee on Corporations.

On motion by Mr. Bell, the Senate adjourned until to-morrow morning, 10 o'clock.

LEONIDAS SEXTON,

President of the Senate.

TUESDAY MORNING.

FEBRUARY 2, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. G. De La Matyr, of Robert's Park M. E. Church.

Journal of yesterday read and approved.

The pending question on the adjournment (yesterday) being on the amendment offered by Mr. Sarnighausen to Senate Bill No. 28,

Mr. Dykeman moved to amend the amendment by substituting the words "two hundred dollars" in lieu of "three hundred dollars."

Which was agreed to.

Mr. Gooding moved that the bill, reports and amendments do lie on the table.

Mr. Chapman demanded a division of the question.

The first question being on laying the amendment on the table.

Messrs. Gooding and Bearss demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Boone, Bowman, Cardwell, Chapman, Daggy, Davidson, Gooding, Hackleman, Harney, Hough, Howard, Johnson of Floyd, Maxwell, Neff, Peed, Ringo, Roe, Scott, Stockslager, Tobin, Underwood and Wilson—24.

Those who voted in the negative were,

Messrs. Beardsley, Bunyan, Culbertson, Dykeman, Friedley of Lawrence, Givan, Grove, Henderson, Humphries, Johnston of Parke, Major, Oliver, Rhodes, Sarnighausen, Skinner, Slater, Sleeth and Thompson—18.

So the amendment was laid on the table.

The question recurring on the motion to lay on the table the bill and report.

Messrs. Chapman and Bearss demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Boone, Culbertson, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Hackleman, Harney, Henderson, Humphries, Johnston of Parke, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Skinner, Sleeth, Stockslager, Thompson, Tobin and Wilson—29.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Bowman, Bunyan, Cardwell, Chapman, Daggy, Hough, Howard, Johnson of Floyd, Scott, Slater and Underwood—13.

So the bill and report do lie on the table.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 86, being an act to abolish the Twenty-seventh Judicial Circuit, and the Criminal Circuit Court therein, and to confer jurisdiction in criminal cases upon the Civil Circuit Courts in Floyd county and Clark county, and to transfer all causes pending in said Criminal Circuit Courts, to said Civil Circuit Courts, and declaring an emergency, and the same is herewith transmitted for the action of the Senate.

Message from the House by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled Act No. 25 of the Senate, being "An act to fix the times for holding courts in the Thirty-fourth Judicial Circuit," and the same is herewith returned to the Senate for the signature of the President.

The President announced that he had signed Enrolled Senate Act No. 25, "An act to fix the time for holding the courts in the Thirty-fourth Judicial Circuit."

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Johnston of Parke, a petition from citizens of Vermillion county, on the subject of taxation.

Was read and referred to the Committee on Finance.

By Mr. Johnson of Floyd, a petition from citizens of Clark county, asking that the office of County School Superintendent be abolished.

Was read and referred to the Committee on Agriculture.

By Mr. Friedley of Lawrence, a memorial from John L. Gay of Bloomington, Indiana, pointing out some of the causes and defects in the State University, which ought to be reformed.

Was read and referred to the Committee on Education.

By Mr. Friedley of Lawrence, a petition from citizens of Monroe county, on the subject of quail shooting.

Was referred to the Committee on Rights and Privileges without reading.

By Mr. Baxter, a petition from citizens of Wayne county, in reference to convict labor in the Southern Prison.

Was referred to the Committee on Prisons without reading.

By Mr. Humphreys, a petition from the citizens of Washington, Indiana, on the subject of taxing life insurance premiums.

Was read and referred to the Committee on Insurance.

By Mr. Cardwell, a petition from James Cravens of Tipton county, showing that there was money due him on swamp land sales, etc.

Was read and referred to the Committee on Claims.

Mr. Underwood, from the Committee on Corporations, made the following report :

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred Senate Bill No. 147, an act to authorize the purchase of toll bridges and plank, gravel, macadamized, or turnpike roads by Boards of County Commissioners, have had the same under consideration and have directed me to report the same back to the Senate and recommend that it do pass.

Was placed on the calendar.

Mr. Neff, from the Committee on Temperance, made the following report :

MR. PRESIDENT :

Your Committee on Temperance, to whom was referred Senate Bill No. 15, "An act to regulate the sale of intoxicating liquors, to provide against drunkenness, prescribing penalties, to repeal all laws contravening the provisions of this act, and declaring an emergency," have had the same under consideration, and instruct me to make the following report :

Amend by striking out all after the enacting clause, and insert the following, after which amending recommend its passage :

REPORT OF COMMITTEE ON TEMPERANCE ON SENATE
BILL NO. 15.

MR. PRESIDENT :

Your Committee on Temperance, to whom was referred Senate Bill No. 15, An act to regulate the sale of intoxicating liquors, to provide against drunkenness, prescribing penalties, to repeal all laws contravening the provisions of this act, and declaring an emergency, have had the same under consideration, and instruct me to make the following report: Amend by striking out all after the enacting clause and insert the following :

SECTION 1. That it shall be unlawful for any person by himself or agent, or clerk, to sell, barter, or give away for any purpose, whatever, to any person whomsoever, any intoxicating liquors, except for medicinal, sacramental, or chemical purposes, until such person shall have procured a license therefor, from the Board of Commissioners of the county where he resides, as hereinafter provided.

SEC. 2. Any person desiring license to sell intoxicating liquors, shall file in the office of the Auditor of the proper county, not less than three weeks before the first day of the term of any regular session of the Board of Commissioners of such county, a petition, signed by a majority of the legal voters; if in a township, those who

voted at the last congressional election ; if an incorporated town, or the ward of a city, those who voted at the last municipal election, where said intoxicating liquors are to be sold, asking that such applicant be granted a license to sell intoxicating liquors, setting forth that such applicant is a proper person, of competent capacity, fit to be trusted with a license, specifically stating the particular house in such incorporated town or township, and the number of the street, if it be in the ward of a city, where such liquor is to be sold ; also stating whether such applicant desires to sell at wholesale or retail. Whereupon the Auditor shall give notice in some daily or weekly newspaper having a general circulation in said town, township or ward of a city where such liquors are to be sold, that such petition has been filed, and that the same will be heard at the next regular session of the Commissioners' Court.

SEC. 3. At the time of the filing of said petition, such applicant shall make his affidavit, in writing, setting forth that said petition contains the signatures of a majority of the legal voters of the town, township or ward of a city where such intoxicating liquors are to be sold, that the names were written by themselves or with their consent.

SEC. 4. The applicant shall, at the time of filing his petition, deposit with the Auditor such sum of money as will defray the expenses of publishing notice, filing and recording such petition and issuing such license.

SEC. 5. At the time of the filing of the petition with the Auditor, the applicant shall cause to be executed and properly acknowledged before an officer authorized to take acknowledgment of deeds, a bond payable to the State of Indiana in the penal sum of two thousand dollars, with three good freehold sureties thereon, to be approved by the Board of Commissioners, conditioned for the keeping of an orderly house, and for the payment of all fines, penalties, forfeitures or damages that may be incurred by reason of the violation of any of the provisions of this act and conditioned further that the principal and sureties shall be jointly and severally liable for all damages which may be suffered by or inflicted upon any person by reason of any illegal sale or sales of intoxicating liquors, either by himself or by his agent or clerk, and in case of the exhaustion of said bond by recoveries thereon, a new bond in the same penalty, with like sureties, shall be filed within ten days, and in default, the license shall be deemed revoked. Such bond, after its approval by

the Board of Commissioners, shall be filed and recorded in the Auditor's office, and suit may be commenced upon and recovery had thereon in any court having civil jurisdiction in the county; a copy of the bond properly certified to by the Auditor, shall be admissible in evidence in any suit on such bond, the same as the original bond would have been.

SEC. 6. In the examination of the petition before the Board of Commissioners on a day set for the hearing of the same, as to the question of the signatures thereto, and all other matters pertaining to the qualifications of the applicant and the sufficiency of the bond, the burden of proof shall be on the applicant. The Prosecuting Attorney shall, or any legal voter may, appear and controvert any and all facts set forth in such petition.

SEC. 7. After the hearing of the evidence as provided in section six, if the Board of Commissioners adjudge that the provisions of this act have been complied with, and that said applicant is a proper person, of competent capacity, and fit to be trusted with a license to sell intoxicating liquors, such Board of Commissioners shall make an order granting such license for the term of one year from the date thereof; *Provided*, That before the issuing of such license by the Auditor, such applicant, if his petition was to sell intoxicating liquors at retail, shall pay into the county treasury the sum of two hundred dollars, but if the petition asked license to sell intoxicating liquors at wholesale, then such applicant shall pay into the county treasury the sum of four hundred dollars, which sum of money shall be placed to the credit of the common school fund.

SEC. 8. It shall be unlawful for any person by himself, agent, or clerk, to sell, barter, or give, buy for, or furnish to any minor, or to any person who is at the time intoxicated, or to any person who is in the habit of becoming intoxicated, or to any person of unsound mind any intoxicating liquors, and on conviction thereof such person shall be fined in the sum of five dollars for each offense, and upon complaint filed by the prosecuting attorney, or by any citizen before any court having jurisdiction of the same. Such minor, intoxicated person, or person in the habit of becoming intoxicated, shall be brought before such court and compelled to testify from whom he obtained such intoxicating liquors, and on refusal to testify shall be punished for contempt of court.

SEC. 9. Any minor who shall represent that he is of the age

of twenty-one years or over, for the purpose of procuring intoxicating liquors, shall be deemed guilty of a misdemeanor, and on conviction thereof be fined in the sum of not less than one dollar nor more than five dollars.

SEC. 10. Any person of sound mind, becoming intoxicated, shall, upon conviction for the first offense, be fined not exceeding five dollars; for the second offense not exceeding ten dollars; for the third offense not exceeding fifteen dollars, and for the fourth offense twenty dollars.

SEC. 11. It shall be unlawful for any person to sell, barter or give away any intoxicating liquors on Sundays, or upon the day of any state, county, township or municipal election in the town, township, or city, where the same may be held, or upon Christmas day, or upon the fourth day of July, or upon any Thanksgiving day, and in like manner, it shall be unlawful for any person to purchase any such liquors on said days, and any and all sales and purchases so made on any such day are hereby declared to be unlawful, and upon conviction thereof, the persons so selling or purchasing, shall be fined in any sum not less than five dollars nor more than twenty dollars; *Provided*, That if the purchaser be a minor or of unsound mind, the fine assessed shall not exceed the sum of five dollars, in the discretion of the court trying the case.

SEC. 12. All places where intoxicating liquors are sold, bartered, given away or furnished by any device whatever, without a license as provided in this act, shall be taken, held and declared to be common nuisances, and be shut up and abated as such, upon conviction of the keeper thereof, shall be fined in any sum of not less than twenty-five dollars nor more than one hundred dollars, to which there shall be added imprisonment in the county jail of not less than thirty days nor more than three months.

SEC. 13. In addition to the remedy and right of action hereinbefore provided for, every husband, wife, child, parent, guardian or other person who shall be injured in person or property by any intoxicated person, or in consequence of intoxication or otherwise of any person, shall have a right of action for damages in his, her or their names, jointly or severally, against any person or persons, who shall by selling, bartering or giving away intoxicating liquors, have caused the intoxication in whole or in part of such person;

Provided, That there should be but one recovery by the same person or party for the same intoxication, and such recovery and judgment may be pleaded in bar of any other action by the same person or party against any other person or party for the same intoxication. A married woman shall have the same right to bring suit and control the same and the amount recovered as an unmarried woman. All damages recovered by a minor under this act shall be paid, either to such minor or to his or her parent, guardian or next friend, as the court shall direct. All suits for damages under this act may be by any appropriate action in any of the courts of this State, having competent jurisdiction. All judgments recovered under the provisions of this act may be enforced without any relief whatever from valuation or appraisement laws.

SEC. 14. All houses, where intoxicating liquors are sold under a license in pursuance of this act, shall close the same against any and all persons between the hours of ten o'clock in the evening and six o'clock in the morning. And any person holding a license who shall keep an open house or permit it to be kept open by any other person, for the purpose of selling intoxicating liquors, between the hours specified in this section, shall by such violation of the provisions of this section, forfeit his said license for the remainder of such year, for which the same was granted, and shall not again be entitled to receive a license to sell liquor for the further term of one year thereafter. And all sales so made, after such revocation, shall be an unlawful selling within the meaning of this act. And the party so selling, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined for each offense in any sum not less than five dollars, nor more than twenty-five dollars.

SEC. 15. Any person violating the provisions of section one of this act, shall on conviction, be fined for each sale in any sum not exceeding five dollars, to which may be added imprisonment for any period not exceeding ten days, likewise any person who shall purchase any liquor from any other person selling in violation of section one, knowing at the time that the said person was selling in violation of law without a license, on conviction shall be fined five dollars.

SEC. 16. Circuit, Superior, and Criminal Courts, Justices of the Peace, and Mayors of cities shall have original and concurrent jurisdiction in all cases arising out of, or connected with the violation of any of the provisions of this act; *Provided*, That Justices of the

Peace and Mayors of cities shall not have jurisdiction of causes arising under section thirteen of this act.

SEC. 17. Common Councils of cities and Boards of Trustees of incorporated towns shall have power to pass such ordinances regulating and restraining the sale of intoxicating liquors within the limits of such cities or incorporated towns as are not in conflict with the provisions of this act.

SEC. 18. Manufacturers shall for the purpose of this act, be regarded as persons selling at wholesale.

SEC. 19. Any applicant or legal voter may appeal to the Circuit, Superior, or Criminal Court of the proper county in the same manner and upon the same conditions as other appeals from the Board of County Commissioners.

SEC. 20. All laws and parts of laws conflicting with this act, be and the same are hereby repealed; saving and excepting all suits now pending for damage or rights of action vested under, and all prosecutions by the State for the violation of the act to regulate the sale of intoxicating liquors, to provide against the evils resulting from the sale thereof, to furnish remedies for damages suffered by any person in consequence of such sale, etc., approved Feb. 27, 1873, which said suits and rights of actions, and State prosecutions may be prosecuted to final judgment in as full and complete a manner under said act, as if this law had not been enacted.

SEC. 21. It is hereby declared that an emergency exists for the immediate taking effect of the act, therefore the same shall be in force from and after its passage.

Mr. Hough moved that two hundred copies of the bill be printed.

Mr. Slater moved that the motion do lie on the table.

Messrs. Baxter and Rhodes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Culbertson, Daggy, Dykeman, Friedley of Lawrence, Givan, Grove, Henderson. Howard, Humphreys, Johnson of Floyd, Maxwell, Peed, Sarnighausen, Slater, Stockslager, and Thompson
—16.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Bowman, Cardwell, Chapman, Davidson, Friedley of Scott, Gooding, Hackleman, Harney, Hough, Johnston of Parke, Major, Neff, Oliver, Rhodes, Ringo, Roe, Scott, Sleeth, Tobin, Underwood and Wilson—26.

So the motion to lie on the table was not agreed to.

Mr. Dykeman moved to amend by printing four hundred copies.

Which was not agreed to.

The question recurring on the motion of Mr. Hough to print two hundred copies.

It was agreed to.

Mr. Johnson of Floyd, from the Committee on Emigration, made the following report:

MR. PRESIDENT:

The Committee on Emigration and Statistics, to whom was referred Senate Bill No. 30, entitled "A bill creating a department of statistics and prescribing rules and regulations for the government of the same," have had the same under consideration and direct me to report the same back with the following amendment: Amend line 5, section 7 so as to read as follows: "Shall not be used for assessment for taxes, nor as evidence in any suit concerning taxes," and when so amended recommend its passage.

Was placed on the calendar.

Mr. Gooding, from the Committee on Railroads, made the following report:

MR. PRESIDENT:

Your Committee on Railroads, to whom was referred Senate Bill No. 45, entitled "An act in relation to the appointment of receivers and to authorize appeals in such cases," have had the same under

consideration and have ordered me to report the same back to the Senate with a recommendation that it be amended by striking out the words "at least ten days," in the seventh line of the first section, and inserting in lieu thereof the words "reasonable time," and that when so amended said bill do pass.

Was placed on the calendar.

Mr. Friedley of Lawrence, from the Committee on Railroads, made the following report :

MR. PRESIDENT :

Your Committee on Railroads, to whom was referred Senate Bill No. 180, entitled "A bill regulating the transportation of passengers by railroad companies and prescribing penalties for its violation, and repealing all laws in conflict with this act," have had the same under consideration and by a vote of the majority of such committee have directed me to report the same back to the Senate with a recommendation that it lie on the table.

Was placed on the calendar.

Mr. Thompson, from the Committee on Benevolent Institutions, made the following report :

MR. PRESIDENT :

A majority of your Committee on Benevolent Institutions, to whom was referred Senate Bill No. 184, A bill to make further provisions for the care and treatment of the insane, have had the same under consideration and have directed me to return the same to the Senate with a recommendation that it do pass.

Was placed upon the calendar.

Mr. Johnson of Floyd, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred Senate Bill No. 181, entitled "A bill for an act to amend section 8 of an act entitled 'an act to provide for a general system of common

schools and the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'” approved March 6, 1865, supplemental sections thereto approved March 8, 1873, have had such bill under consideration and have directed me to report the same back to the Senate with a recommendation that it do pass.

Was placed on the calendar.

Mr. Johnston of Parke, offered the following resolution :

Resolved, That the Committee on Finance be, and are hereby instructed to prepare a bill providing for the appraisement of real estate in the year 1875, and every five years thereafter.

Which was adopted.

Mr. Sleeth offered the following concurrent resolution :

Resolved by the Senate, the House of Representatives concurring, That a committee of five shall be appointed to consist of two from the Senate and three from the House for the purpose of revising, simplifying and correcting the titles to bills.

Which was adopted.

Mr. Daggy offered the following resolution :

Resolved, That the Committee on Benevolent Institutions be and the same are hereby instructed to provide in any bill for the erection of an additional Hospital for the Insane, that such hospital or hospitals shall be erected on the grounds now owned by the State and occupied for said purposes, and it is the sense of this Senate that such hospital or hospitals should not be located at any other place than said grounds near the city of Indianapolis.

Mr. Johnston of Parke moved to make the consideration of the resolution a special order for Friday next at 2 o'clock, p. m.

Mr. Harney moved that the resolution do lie on the table.

Messrs. Gooding and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Boone, Bowman, Bunyan, Chapman, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Gooding, Harney, Johnson of Floyd, Major, Maxwell, Oliver, Peed, Sarnighausen, Scott, Stockslager, Thompson and Tobin—22.

Those who voted in the negative were,

Messrs. Beardsley, Cardwell, Culbertson, Daggy, Givan, Grove, Hackleman, Henderson, Hough, Howard, Humphries, Johnston of Parke, Neff, Rhodes, Ringo, Roe, Skinner, Slater, Sleeth, Underwood and Wilson—21.

So the motion to lie on the table was agreed to.

On motion of Mr. Sleeth, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

Mr. Stockslager offered the following concurrent resolution :

Resolved by the Senate, the House concurring therein, That a committee of three on the part of the Senate, and five on the part of the House, be appointed to examine and revise the acts providing for a uniform assessment of property and for the collection and return of taxes thereon, and that they be and are hereby instructed to prepare a bill making such changes and containing such amendments as they deem proper; and that they report the same at the earliest practicable moment.

Mr. Sleeth moved to refer the resolution to the Committee on Finance.

Which was agreed to.

Mr. Johnson of Floyd, offered the following resolution :

WHEREAS, it is claimed by many citizens of this State, by memorial and petition previously addressed to this body, that the contract by which the entire convict labor of the Southern Prison is leased to the Southwestern Car Company is unjust, illegal and contrary to the spirit of the constitution, therefore,

Resolved, That the Committee on Prisons are requested to thoroughly investigate the matter and report to this body the facts in the case, and recommend such action in the premises as in their judgment may seem desirable.

Which was adopted.

SENATE BILLS ON FIRST READING.

Mr. Peed introduced

Senate Bill No. 222. A bill to organize insurance companies and regulate the business of insurance in the State of Indiana.

Was read a first time and referred to the Committee on Insurance.

Mr. Harney introduced

Senate Bill No. 223. A bill to amend section one and repeal section three of an act entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17, 1852.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Rhodes introduced

Senate Bill No. 224. A bill to improve, change, straighten, deepen, or remove natural or artificial obstructions from the channel of the Kankakee River, to increase the revenues of the State, to create a board of control consisting of the Secretary, Auditor, and Treasurer of State, and defining its powers and duties, authorizing

assessments to be made upon lands effected by improvement herein contemplated, and placing the assessments on the tax duplicate, to issue bonds to carry out the purpose of this act, prescribing a penalty for any violation of this act, and declaring an emergency.

Was read a first time and referred to the Committee on Swamp Lands.

Mr. Thompson introduced

Senate Bill No. 225. A bill to amend section eleven of an act entitled "An act to authorize the construction of levees, dykes, drains, and ditches, and the reclamation of wet and overflowed lands by incorporated associations, and prescribing their powers, and providing for the assessment of the costs of such improvements and expenses attending the same upon the lands benefitted thereby, and for the collection of such assessments," etc.

Was read a first time and referred to the Committee on Swamp Lands.

Mr. Neff introduced

Senate Bill No. 226. A bill granting a pension to James C. Bates, a Sergeant of Company I, commanded by Capt. John A. Hunt, of the Indiana Legion.

Was read a first time and referred to the Committee on Judiciary.

Mr. Givan introduced

Senate Bill No. 227. A bill to amend section 224 of an act entitled "An act to revise, simplify and abridge the rules of practice, pleadings and forms in civil actions in the courts of this State, to abolish distinct forms of action at law and provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Chapman introduced

Senate Bill No. 228. A bill to repeal an act authorizing the

appropriation of money out of the State Treasury for the use of the Indiana University, located at Bloomington, Monroe county.

Was read a first time and referred to the Committee on Finance.

Mr. Slater introduced

Senate Bill No. 229. A bill to amend section 6 of an act entitled "An act to provide for the violation and assessment of the real and personal property and the collection of taxes in the State of Indiana, and other matters connected therewith," approved June 21, 1852.

Was read a first time and referred to the Committee on Finance.

Mr. Grove introduced

Senate Bill No. 230. A bill to amend the tenth section of an act entitled "An act providing for voluntary assignment of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same," approved March 5, 1859.

Was read a first time and referred to the Committee on Judiciary.

Mr. Henderson introduced

Senate Bill No. 231. A bill for the encouragement of manufacturing companies.

Was read a first time and referred to the Committee on Judiciary.

Mr. Johnston of Parke, from the Committee on Enrolled Bills made the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills has this day presented to the Governor for his approval, the following enrolled act, to-wit : Senate Enrolled Bill No. 25, an act to fix the time for holding the Courts in the Thirty-fourth Judicial Circuit.

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have compared Enrolled

Senate Bill No. 115, a bill to provide for the sale of property held in trust, in certain cases therein provided, with the Engrossed Bill, and find the same properly enrolled.

Mr. Hough introduced

Senate Bill No. 232. An act to amend second 5 of an act entitled "An act to exempt property from sale in certain cases," approved February 17, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Sleeth introduced

Senate Bill No. 233. A bill to authorize the correction of mistakes in deeds of conveyance and the records thereof.

Was read a first time and referred to the Committee on Judiciary.

Mr. Sleeth introduced

Senate Bill No. 234. A bill to amend the five hundred and seventy-fifth section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State," approved June 18, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Sleeth introduced

Senate Bill No. 235. A bill in relation to provisions for widows and minor children of decedents.

Was read a first time and referred to the Select Committee on Decedent's Estates.

Mr. Sleeth introduced

Senate Bill No. 246. A bill to expedite the business of the Supreme Court by encouraging the filing of printed briefs therein.

Was read a first time and referred to the Committee on Judiciary.

Mr. Friedley of Scott introduced

Senate Bill No. 237. A bill for the relief of persons whose property was taken, injured or destroyed by the United States or State troops under the command of General Hobson, Wallace, Love and others while in the pursuit of the rebel forces under John Morgan in the year 1863.

Was read a first time and referred to the Committee on Expenditures.

Mr. Humphries introduced

Senate Bill No. 238. A bill to amend sections 5 and 6 of an act entitled "An act to amend an act entitled 'an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'" approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873, and adding an additional section.

Was read a first time and referred to the Committee on Education.

Mr. Rhodes introduced

Senate Bill No. 239. A bill in relation to the care and preservation of cemeteries.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Friedley of Lawrence, introduced

Senate Bill No. 240. A bill to amend the third section of an act entitled "An act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Roe introduced

Senate Bill No. 241. A bill for the incorporation and continuance of building, loan fund and savings associations, and repealing all laws on that subject, approved March 5, 1857, and March 7, 1873, and legalize all such associations now in existence, and declaring an emergency.

Was read a first time and referred to the Committee on Banks.

Mr. Chapman introduced

Senate Bill No. 242. A bill relating to interrogatories propounded by one party to another and the answers thereto in cases now pending, and which may be hereafter instituted in the Circuit Court, and establishing the practice thereon when the answers made to such interrogatories disclose that the party making such answers, if he be a plaintiff, has no cause of action, and if he be a defendant has no defense in the cause wherein such interrogatories are propounded, and other matters properly connected therewith.

Was read a first time and referred to the Committee on Judiciary.

Mr. Harney moved to suspend the order of business and take up Engrossed House Bills on the first reading.

Which was agreed to.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House, to inform the Senate, that he has signed Enrolled Senate Act No. 115, the same being an act to provide for the sale of property held in trust in certain cases as therein provided, and the same is herewith transmitted to the Senate.

ENGROSSED HOUSE BILLS ON FIRST READING.

Engrossed House Bill No. 67. An act to authorize a change of name and style of certain educational institutions organized under any special charter in this State, and declaring an emergency.

Was read a first time and referred to the Committee on Education.

Engrossed House Bill No. 132. A bill to prevent the indiscriminate shooting into wild pigeons when and where nesting, and fixing the penalty therefor, and declaring an emergency.

Was read a first time and referred to the Committee on Rights and Privileges.

Engrossed House Bill No. 86. An act to abolish the Twenty-seventh Judicial Circuit and the Criminal Circuit Courts therein, and to confer jurisdiction in criminal cases upon the civil courts of Floyd county and Clark county, and to transfer all causes pending in said Criminal Circuit Courts to said Civil Circuit Courts, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 191. A bill supplemental to an act to establish Superior Courts, defining their jurisdiction, and providing for the election and compensation of judges thereof, approved February 15, 1871

Was read a first time and referred to the Committee on Organization of Courts.

Engrossed House Bill No. 129. An act to amend an act entitled "An act to incorporate the Indiana Fire and Marine Insurance Company," and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 123. A bill to amend section 208 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and to repeal all laws in conflict herewith.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 3. An act to amend sections 102,
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107, 108, 125 and 270, and to repeal section 276 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, repealing all laws in conflict herewith, adding supplemental sections to said act, and declaring an emergency.

Was read a first time and referred to the Committee on Finance.

Engrossed House Bill No. 42. A bill to amend section 5 of an act entitled "An act supplementary and amendatory of an act entitled 'an act to provide for a uniform assessment of property and for the collection and return of taxes thereon,'" approved December 21, 1872, approved March 8, 1873.

Was read a first time and referred to the Committee on Public Printing.

Engrossed House Bill No. 101. A bill to regulate public warehouses and warehousing, and inspecting and mixing grain, making warehouse receipts assignable and negotiable by the law merchant, and providing a penalty for issuing false or fraudulent receipts by warehousemen, and for fraudulently removing property by them.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 66. A bill declaring agreement to pay attorneys fees contained in any bill of exchange, acceptance, draft, promissory note, or other written evidence of indebtedness, illegal and void, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 153. An act to legalize the acts of the incorporation of the town of Portland, Jay county, Indiana, and to legalize each and every official act of the several boards of trustees of said corporations and all other acts of each and every officer of the same under an act for the incorporation of towns, defining their powers, providing for the election of the officers, and declaring their duties, approved June 11, 1852, and all by-

laws, rules, regulations and proceedings adopted in pursuance thereof.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 196. An act to amend section 9 of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 77. An act providing for publication of official matter in German newspapers, and declaring an emergency.

Was read a first time and referred to the Committee on Public Printing.

Engrossed House Bill No. 201. An act to amend section 12 of an act entitled "An act regulating the fees of officers, and providing penalties for its violation, repealing certain acts therein named, and providing duties to be performed by State, county and township officers, and matters properly connected therewith, and declaring an emergency," approved March 8, 1873.

Was read a first time and referred to the Committee on County and Township Business.

Engrossed House Bill No. 26. An act relating to and prescribing some of the duties and liabilities of the clerks of the several courts of this State, repealing all laws in conflict herewith, and declaring an emergency.

Was read a first time and referred to the Committee on Organization of Courts.

Engrossed House Bill No. 109. An act to provide for the removal of line fences in certain cases, and prescribing the duties of justices, constables and applicants in relation thereto.

Was read a first time and referred to Committee on County and Township Business.

Engrossed House Bill No. 140. An act legalizing certain official acts of the Common Council of the city of Kokomo, and other officers of said city, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 128. A bill to repeal section 55 of an act to amend an act entitled "An act to authorize and regulate the business of general banking," approved March 3, 1855, and providing for turning into the general fund certain funds therein named, and declaring an emergency.

Was read a first time and referred to the Committee on Finance.

Engrossed House Bill No. 138. A bill to encourage the destruction of wolves and foxes, repealing all laws and parts of laws inconsistent therewith, and declaring an emergency.

Was read a first time and referred to the Committee on County and Township Business.

Engrossed House Bill No. 52. A bill to amend section 1 of an act entitled "An act to amend sections 15 and 16 of an act entitled 'an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties,'" approved June 11, 1852, and providing for the election of the Town Marshal by the Town Trustees, and declaring an emergency, March 10, 1873, and to repeal section 3 of said act, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 224. A bill to fix the time for holding Court in the counties comprising the Thirty-fifth Judicial Circuit, and declaring an emergency.

Was read a first time and referred to a Select Committee, consisting of Messrs. Howard and Bunyan.

Engrossed House Bill No. 69. An act authorizing Boards of County Commissioners to levy taxes and make appropriations to purchase, construct or repair roads.

Was read a first time and referred to the Committee on Roads.

Engrossed House Bill No. 160. An act to amend sections seventy-four of an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 213. A bill to legalize the taxes in the town of Auburn and the action of the Board of Trustees in relation thereto.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 222. A bill amendatory of an act to amend section 2 of an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and prescribing the penalty for violation of the same," approved March 11, 1867, and also providing for the protection of certain birds therein named, and their eggs, and affixing a penalty, which became a law without Executive approval on the 15th day of March, 1873, and declaring an emergency.

Was read a first time and referred to the Committee on Agriculture.

Engrossed House Bill No. 79. A bill to amend section 83 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 6. A bill to legalize the incorporation of the town of Martinsville, Morgan county, Indiana, and to legalize all orders by law, ordinance, levies and assessments of taxes, made, passed and adopted by the Board of Trustees of said town, and declaring an emergency.

Was read a first time and referred to the following Select Committee: Messrs. Harney, Daggy and Maxwell.

Engrossed House Bill No. 193. A bill for an act to amend section six hundred and seventy-two of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Was read a first time and referred to the Committee on Judiciary.

Message from the Governor:

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, February 2, 1875.

To the General Assembly:

I have received from Hon. Thomas Dowling, one of the Trustees of the Wabash and Erie Canal, a communication under date of January 30, 1875, enclosing a bill of expenses incurred by the Board of Trustees of the Wabash and Erie Canal, in defending the property of the trust threatened by proceedings and expenses incurred in seeking a legal interpretation by the courts of the acts of the

General Assembly of this State, passed in 1846 and 1847, establishing the trust. I herewith communicate a copy of that communication and of the bill of expenses. I call your attention to the views expressed by my predecessor in his message to the General Assembly at the special session of 1872, in respect to the duty of the State to relieve the Board of Trustees of the expenses of the litigation rendered necessary in defending the trust property. By the act of December 12, 1872, provision was made for the payment of the bonds which were held by the courts to be a lien upon the trust property, but no provision has been made for the payment of the costs and expenses now presented by the Trustees.

THOMAS A. HENDRICKS,

Governor

TRUSTEES' OFFICE WABASH & ERIE CANAL,

TERRE HAUTE, January 30, 1875.

I take the liberty of enclosing herewith a bill of expenses incurred by the Board of Trustees of the Wabash & Erie Canal in defending the property of the trust, and in seeking a legal interpretation by the courts of the acts of the State passed in 1846 and 1847, establishing the trust. Your immediate predecessor, Governor Baker, in his message to the General Assembly at the Special Session of November 14, 1872, urged the payment by the General Assembly of all the expenses of litigation in defending the trust property. In that message Governor Baker remarked: "It is both right and expedient that the State should protect the trust property, and I also recommend that the State relieve the Board of Canal Trustees from all the expenses of litigation to which they have been or may be subjected in defending the trust property from the attempt made to subject it to the satisfaction of said lien." These expenses, heretofore paid by the Trustees, as they appear upon the Ledger, are herewith enclosed, properly certified to by the Clerk of the Board under oath. I respectfully request that they be laid before the General Assembly.

Very respectfully,

THOMAS DOWLING.

His Excellency, Governor Hendricks,

Indianapolis, Indiana.

STATE OF INDIANA,

To Board of Trustees of Wabash and Erie Canal, Dr.

January 20th, 1875.

To expenses heretofore paid in suits to defend the laws of 1846, 1847, and to prevent sale of canal property in the following cases, viz.: In the case of Beers vs. Trustees, the following expenses to collect original Wabash and Erie Canal Bonds:

Jeremiah Sullivan, attorney for Beers	\$450 00
R. H. Gillett	50 00
Marvin & Rodney.....	100 00
Bill for printing case.....	21 60
G. G. Ford's bill for protesting coupons.....	5 00
Postage and express charges	20 00
Cost at Indianapolis in U. S. Courts	229 72
John W. Usher, trustee's attorney.....	400 00
	<hr/>
	\$1,276 32

Cohen's arbitration following Beers' judgment.

Master in Chancery, (Newcomb,).....	\$240 00
Ferguson vs. Trustees in U. S. Courts, cost in U. S.	
Court paid to John H. Rae, Clerk.....	400 57
Attorney's fees, John P. Usher.....	400 00
Attorney's fees, William Griswold.....	300 00
	<hr/>
	\$1,100 57

In Cass county Circuit Court, January 20, 1875, J. W.

Garrett vs. Boards of Trustees, D. D. Pratt, attor-	
ney for Trustees	574 55
John P. Usher, same.....	500 00
Costs of suit in Carroll and Cass counties.....	66 08
	<hr/>
	\$1,140 63

RECAPITULATION.

In case of Beers vs. Trustees.....	\$1,276 32	
In case of Cohen vs. Trustees.....	240 00	
In case of Ferguson vs. Trustees.....	1,100 57	
In case of Garrett vs. Trustees.....	1,140 63	
	<hr/>	\$3,757 52

TRUSTEES OFFICE, WABASH AND ERIE CANAL,
TERRE HAUTE, January 29, 1875.

I, J. H. Hager, Clerk of the Board of Trustees of the Wabash and Erie Canal, do hereby certify that the foregoing is a full, true and complete statement of the amounts paid by the said Board for legal expenses in the cases above mentioned, as appeared by the books of said Board.

J. H. HAGER.

STATE OF INDIANA, }
VIGO COUNTY. }

Personally appeared before me, L. G. Hager, a notary public in and for said county, J. H. Hager, to me known, makes affidavit that the foregoing is correct to the best of his knowledge and belief.

Sworn and subscribed before me this 29th day of January, 1875.

LUTHER G. HAGER,
Notary Public.

The President laid before the Senate the following communication :

OFFICE OF SECRETARY OF STATE,
February 2, 1875.

I am unable to comply with your resolution requesting me to furnish a statement of the fees and perquisites received by my predecessor during the term of his office, for the reason that there is no record in this office showing what he has received.

I have the honor to be, most respectfully, yours,

JOHN E. NEFF,
Secretary of State.

Mr. Harney moved that the Senate do now adjourn.

Which was not agreed to.

By unanimous consent, Mr. Bunyan introduced

Senate Bill No. 243. A bill to amend section 3 of an act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and supplemental sections thereto, approved March 8, 1873.

Was read a first time and referred to the Committee on Education.

On motion by Mr. Johnston of Parke, the Senate adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY MORNING,

FEBRUARY 3, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by Rev. D. M. Stewart of Rushville, Indiana.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Bell for to-day.

The President announced Messrs. Boone and LaRue, on the part of the Senate, as composing the Joint Committee on Titles of Bills.

PETITIONS, MEMORIALS, REMONSTRANCES.

By Mr. Cardwell, a petition from citizens of Hamilton county, on the subject of fees and salaries.

Was read and referred to the Committee on Fees and Salaries.

By Mr. Sleeth, a petition from citizens of Rush county on the subject of township trustees.

Was read and referred to the Committee on Fees and Salaries.

By Mr. Sleeth, a petition from citizens of Rush county on the subject of township assessors.

Was read and referred to the Committee on Finance.

By Mr. Sleeth, a petition from citizens of Rush county on the subject of County Superintendent.

Was read and referred to the Committee on Education.

Mr. Daggy, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 182, a bill to amend section 17 of an act entitled "An act regulating prosecutions in cases of bastardy and providing for the support of illegitimate children," approved May 6, 1852, have had the same under consideration, and now return the same recommending its passage.

Was placed on the calendar.

Mr. Daggy, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary to whom was referred Senate Bill No. 46, entitled "A bill to amend the 8th section of an act entitled 'an act concerning real estate and the alienation thereof,'" approved May 6, 1852, have had the same under consideration, and a majority thereof recommend that the same do lie on the table.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 5, a bill to amend section 13 of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved January 7, 1852, have had the same under consideration, and a majority of the committee direct me to make the following report :

Amend by striking out all after the word "in" in the twenty-sixth line of first page, and inserting in lieu thereof the following : "any township of the county other than where the defendant resides suit may be brought in the township where the debt was contracted or the cause of action occurred.

Amend further, by striking out the second section of said bill, and when so amended they recommend its passage.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Judiciary, to whom was referred Senate Bill No. 183, a bill to repeal an act concerning interest on money, and to provide for recoupment of usurious interest, approved March 9, 1868, have had the same under consideration and recommend that the same do lie upon the table.

Was placed on the calendar.

Mr. Neff, from the Committee on Fees and Salaries, made the following report :

MR. PRESIDENT :

Your Committee on Fees and Salaries, to whom was referred Senate Bill No. 16, a bill fixing the compensation of certain officers therein mentioned, have had the same under consideration and have instructed me to report the same back to the Senate with the following amendments, and after such amendments are made recommend its passage :

Amend section two by striking out "five hundred dollars," and inserting "three hundred dollars." Amend section five by striking out "three hundred dollars," and insert "one hundred dollars."

Was placed on the calendar.

Mr. Smith, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

Your Committee on the Organization of Courts, to whom was referred Senate Bill No. 112, being a bill to create the Forty-seventh Judicial Circuit, to amend sections 34 and 39 of an act to divide the State into districts for judicial purposes, etc., have had the same under consideration, and direct me to report the same back with a recommendation that it do pass.

Was placed on the calendar.

Mr. Sarnighausen, from the Committee on Rights and Privileges, made the following report :

MR. PRESIDENT :

Your Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 50, entitled "An act to provide for the incorporation of any public or private cemetery already laid out and recorded, where any of the lots therein are occupied for the burial of the dead, and to provide for its maintenance, improvements and additions thereto, the collection of

assessment made thereon and the election of officers for its government," have had the same under consideration, and direct me to report the same back with the recommendation that it do pass.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Rights and Privileges, made the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 217, a bill defining certain misdemeanors, and prescribing penalties therefor, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it pass.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Rights and Privileges, made the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 214, a bill to reimburse counties for expenses incurred in criminal prosecutions, have had the same under consideration, and direct me to recommend that the same do lie on the table.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 122, a bill to amend the first and fifteenth sections of an act entitled "An act to limit the number of grand jurors, and to point out the mode of their selection, defining their jurisdiction and repealing all laws inconsistent therewith," approved March 4, 1852, have had the same under consideration, and direct me to report the

same back to the Senate with a recommendation that the same lie upon the table for the reason that the subject matter thereof is incorporated in other bills heretofore reported to the Senate by this committee and upon which that body has already taken action.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 207, a bill to amend section 74 of an act entitled "An act defining misdemeanors and prescribing punishment therefor," have had the same under consideration, and have instructed me to report the same back without amendment and recommend its passage.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 107, a bill to amend section 6 of an act regulating the granting of divorces, nullification of marriages and decrees and orders of courts incident thereto, and repealing all laws conflicting with this act and declaring an emergency, have had the same under consideration and have directed me to report the same back to the Senate with the following amendments: Strike out the proviso beginning with the word "provided," 16th line, 2d page, and continue to the end of the section. Strike out the second section of the bill, and when so amended recommend its passage.

Was placed on the calendar.

Mr. Gooding, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred

Senate Bill No. 167, a bill creating the Fortieth Judicial Circuit, fixing the times of holding courts therein, and also the times of holding the courts in the Tenth, Twelfth and Fifteenth Judicial Circuits, and providing for the appointment of a Judge and Prosecuting Attorney in the Fortieth Circuit, and declaring an emergency, have had the same under consideration, and direct me to report the same back with the recommendation that it do pass.

Was placed on the calendar.

Mr. Peed moved that the Senate Joint Resolutions Nos. 2, 5 and 8, be placed on the calendar in their regular order.

Which was agreed to.

RESOLUTIONS.

Mr. Skinner offered the following resolution :

Be it resolved by the General Assembly of the State of Indiana, That the Senators and Representatives from this State be, and they are hereby requested to make such effort as to them may seem expedient and proper to obtain from the general government some reasonable appropriation of money for the purpose of opening and establishing a harbor at the mouth of Wolf river, in Lake county, in the northwestern corner of the State.

Which was adopted.

Mr. Skinner introduced the following resolution :

Resolved, That the report of the Trustees of the Wabash and Erie Canal and the communication of the Governor relating to the same subject be referred to a select committee to be composed of Senators Sarnighausen, Hackleman, Dykeman, LaRue and Scott.

Which was adopted.

Mr. Givan introduced

Senate Joint Resolution No. 11. A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law providing for the

retirement of National Bank currency and the substitution instead thereof the legal tender treasury notes of the United States.

Was read a first time and referred to the Committee on Banks.

Mr. Gooding offered the following concurrent resolution :

Resolved by the Senate, the House concurring, That our Senators in Congress be instructed and our Representatives requested to use all honorable means to secure the location of a branch mint of the United States at the city of Indianapolis.

Which was adopted.

Mr. Daggy, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills have examined Engrossed Senate Bill No. 82 and find the same correctly engrossed.

Mr. Chapman, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills have had under consideration Senate Bill No. 48, being an act to amend section one of an act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and adding supplemental section thereto, approved March 8, 1873, and find the same correct.

Mr. Daggy, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills, to
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whom was referred Senate Bill No. 199, entitled "An act to amend section second of an act entitled 'an act to amend the second, sixth and seventh sections of an act entitled an act concerning the organization of voluntary associations and repealing former laws in reference thereto,'" approved February 12, 1855, approved March 6, 1865, have duly considered the same and find it correctly engrossed.

Mr. Humphries, from the Committee on Phraseology and Arrangement of Bills, made the following report:

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills have examined Engrossed Senate Bill No. 155 and find the same correct.

Mr. Smith, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills have carefully examined Engrossed Senate Bill No. 89 and found the same correctly engrossed.

BILLS ON FIRST READING.

Mr. Smith introduced

Senate Bill No. 244. A bill authorizing the appointment of short hand reporters for certain courts of record in this State in counties containing a population of 70,000 or more, and prescribing the duties and compensation of such reporters.

Was read a first time and referred to the Committee on Judiciary.

Mr. Sleeth moved to suspend the order of business and take up Senate Bills on third reading.

Which was agreed to.

Engrossed Senate Bill No. 130. An act to amend section fifty-four of an act entitled "An act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of Justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Wilson and Winterbotham—44.

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 138. An act concerning the practice in cases appealed to the Circuit Court.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Givan, Gooding, Grove, Hackleman, Henderson, Hendricks, Hough, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Neff, Oliver, Peed, Ringo, Sarnighausen, Scott, Skinner, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—39.

Those who voted in the negative were,

Messrs. Friedley of Lawrence, Harney, Howard and Slater—4.

So the bill passed.

The question being shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 31. An act for the protection of wild game, and defining the time in which the same may be killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith.

Was read a third time.

Mr. Smith offered the following amendment :

Amend so as to allow the "killing of quails October 15th."

Mr. Friedley of Lawrence, moved to recommit the bill and amendment to the Committee on Agriculture.

Which was not agreed to.

The question recurring on the adoption of the amendment, it was not agreed to.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Gooding, Haworth, Henderson, Hough, Johnston of Parke, Neff, Oliver, Scott, Sleeth, Stockslager, Tobin and Underwood—21.

Those who voted in the negative were,

Messrs. Boone, Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Grove, Hackleman, Harney, Hendricks, Howard, Humphries, Johnson of Floyd, Major, Maxwell, Peed, Ringo, Roe, Sarnighausen, Slater, Smith, Thompson, Wilson and Winterbotham—24.

So the bill failed to pass.

Engrossed Senate Bill No. 81. An act to transfer from the office of the Auditor of State to the general fund of the Treasury certain sum of money held for free banks that have suspended or wound up, and making other provisions in relation thereto.

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Slater, Sleeth, Stockslager, Tobin, Underwood, Wilson and Winterbotham—42.

Senator Bearss voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 106. A bill to authorize incorporated towns to negotiate and sell bonds to procure means with which to complete unfinished buildings for public purposes, and authorizing the levy and collection of an additional special tax for the payment of such bonds.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were

Messrs. Baxter, Beardsley, Bowman, Chapman, Cree, Daggy, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hough, Johnson of Floyd, Johnston of Parke, Peed, Rhodes, Sarnighausen, Scott, Sleeth, Thompson, and Tobin—24.

Those who voted in the negative were,

Messrs. Bearss, Boone, Bunyan, Cardwell, Davidson, Dykeman, Friedley of Lawrence, Hendricks, Howard, Humphries, Major, Maxwell, Neff, Ringo, Roe, Slater, Smith, Stockslager and Winterbotham—20.

So the bill failed to pass for want of a constitutional majority.

Engrossed Senate Bill No. 60. A bill defining the liabilities of infants and persons contracting with infants of certain age.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Neff, Peed, Ringo, Roe, Rhodes, Sarnighausen, Scott, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin and Underwood—42.

Senators Givan and Gooding voted in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Bunyan moved to strike out the emergency clause from the title.

Which was agreed to.

The title as then read standing as the title of the bill.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 98. An act to amend section forty of an act entitled "An act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash Rivers," approved June 7, 1852, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Henderson, Hendricks, Hough, Howard, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood and Winterbotham—37.

Those who voted in the negative were,

Messrs. Boone, Bowman, Bunyan, Culbertson, Peed and Roe—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill.

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 21. An act to prohibit the sale, gift or bartering of deadly weapons, or ammunition therefor to minors.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Scott, Givan, Gooding, Hackleman, Haworth, Hendricks, Hough, Humphries, Johnson of Floyd, Johnston of Parke, Major, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Scott, Sleeth, Stockslager, Thompson, Tobin, Underwood and Wilson—33.

Those who voted in the negative were,

Messrs. Boone, Bowman, Culbertson, Friedley of Lawrence, Grove, Harney, Henderson, Howard, Maxwell, Sarnighausen, Slater, Smith and Winterbotham—13.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill?

Engrossed Senate Bill No. 82. A bill to vest in the assignors of the branches of the Bank of the State of Indiana the right to enforce, in their own names, either before or after the expiration of the charter of said bank, the possession, collection and enjoyment of the assets so assigned and to have legal process, and to give acquittances in their own names, and to secure to them other rights.

Was read a third time.

The question being, shall the bill pass?

Those voting in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bowman, Bunyan, Cardwell, Daggy, Friedley of Scott, Hackleman, Haworth, Henderson, Hendricks, Hough, Howard, Johnston of Parke, Sarnighausen, Seott, Sleeth, Smith, Thompson, Tobin, Underwood and Winterbotham—23.

Those who voted in the negative were,

Messrs. Boone, Chapman, Cree, Culbertson, Davidson, Givan, Gooding, Grove, Harney, Humphries, Johnson of Floyd, Major, Maxwell, Oliver, Rhodes, Ringo, Roe, Slater and Wil-on—19.

So the bill failed to pass for want of a constitutional majority.

On motion by Mr. Chapman, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

ENGROSSED SENATE BILLS ON THIRD READING.

Engrossed Senate Bill No. 48. An act to amend section one of

an act entitled "An act to amend an act entitled 'an act to provide for a general system of common schools, the officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,' " approved March 8, 1875.

Was read a third time.

The question being, shall the bill pass?

Mr. Bunyan asked unanimous consent to amend by inserting the words "section 1" after the word "follows," in line seven of page two.

Which was agreed to.

The question recurring on the passage of the bill,

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Boone, Bunyan, Cardwell, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Hackleman, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnston of Parke, Major, Neff, Ringo, Roe, Sarnighausen, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—31.

Those who voted in the negative were,

Messrs. Bowman, Givan, Grove and Slater—4.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr Bunyan offered the following amendment:

Amend the title by inserting after the words "an act," in line 2, the words "entitled an act."

Which was agreed to, and the title as amended, standing as the title of the bill.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 199. An act to amend section second of an act entitled "An act to amend the second, sixth and seventh sections of an act entitled 'an act concerning the organization of voluntary associations,' and repealing former laws in reference thereto," approved February 12, 1855, approved March 6, 1865.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Maxwell, Neff, Peed, Rhodes, Ringo, Roe Sarnighausen, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—44.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill? *

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 155. An act supplemental to an act concerning the organization and perpetuity of voluntary associations, and repealing an act entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act, and providing that the boards of commissioners of counties shall, in certain cases, allow for the support of orphan children who are

cared for by associations organized under the third specification of the second section of said act, and requiring such orphan children to be furnished with homes as expeditiously as practicable, and making the senior commissioner in service a member *ex-officio* of the board of officers of such association; also, providing that no distinction shall be made on account of the nativity, complexion or religious belief of such orphan or their parents.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Maxwell, Neff, Ringo, Roe, Sarnighausen, Slater, Sleeth, Thompson, Tobin, Underwood, and Wilson—35.

Those who voted in the negative were,

Messrs. Culbertson, Davidson, Givan, Grove, Peed, Rhodes, Skinner, Smith, Stockslager and Winterbotham—10.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Message from the Governor by Mr. Downey, his Private Secretary.

MR. PRESIDENT:

I am directed by the Governor to inform the Senate that he has

approved and signed Enrolled Act of the Senate No. 68. An act amendatory of and supplemental to an act entitled "An act providing for voluntary assignment of personal and real property in trust for the benefit of creditors and regulating the mode of administering the same," approved March 5, 1859, and declaring an emergency.

Also, Enrolled Act of the Senate No. 25. An act to fix the times for holding the courts in the Twenty-fourth Judicial Circuit.

Also, Enrolled Act of the Senate No. 22. An act fixing the times of holding Circuit Courts and the length of terms thereof in the several counties of the State of Indiana, and declaring an emergency, and that he has caused the same to be filed in the office of the Secretary of State.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has concurred with the Senate in the passage of the following resolutions:

Resolved by the Senate the House of Representatives concurring, That a committee of five shall be appointed, to consist of two from the Senate and three from the House, for the purpose of revising, simplifying, and correcting the titles to bills, and that under said resolution upon the part of the House, the following Committee was appointed:

Messrs. Glasgow, Forkner and Collins.

I am further directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 207, being an act providing for the enclosure of lands subject to overflow, and declaring an emergency, and said bill is herewith transmitted for the action of the Senate.

SENATE BILLS ON SECOND READING.

Senate Bill No. 191. A bill to amend section fifty of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873.

Was read a second time.

The report of the Committee on Organization of Courts was concurred in and the bill ordered engrossed.

Senate Bill No. 120. An act making it a penal offense for any engineer, conductor, or other person having the control of any railroad train, from blocking up and holding said train across any street or public highway.

Was read a second time.

Mr. Daggy offered the following amendment :

Amend by inserting on second page the words "for five minutes, or more," in line four, page two, after the word "public highway."

Mr. Bearss moved that the amendment do lie on the table.

Messrs. Bearss and Johnson of Floyd demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bowman, Bunyan, Cardwell, Cree, Davidson, Dykeman, Gooding, Grove, Hough, Howard, Humphries, Johnson of Floyd, Peed, Ringo, Roe, Slater, Stockslager, Tobin, and Winterbotham—20.

Those who voted in the negative were,

Messrs. Baxter, Boone, Chapman, Culbertson, Daggy, Givan, Hackleman, Harney, Haworth, Henderson, Hendricks, Johnston of

Parke, Maxwell, Neff, Rhodes, Scott, Skinner, Sleeth, Smith, Thompson, Underwood and Wilson—22.

So the motion to lay the amendment on the table was not agreed to.

The question recurring on the amendment of Mr. Daggy,

It was agreed to.

Mr. Slater moved that the report and bill be indefinitely postponed.

Messrs. Bearss and Chapman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Boone, Chapman, Culbertson, Daggy, Dykeman, Givan, Grove, Harney, Haworth, Hendricks, Humphries, Roe, Scott, Skinner, Slater, Sleeth, Underwood and Wilson—18.

Those who voted in the negative were,

Messrs. Baxter, Bearss, Bowman, Bunyan, Cardwell, Cree, Davidson, Gooding, Hackleman, Henderson, Hough, Howard, Johnson of Floyd, Maxwell, Neff, Peed, Rhodes, Stockslager, Thompson, Tobin and Winterbotham—21.

So the motion to indefinitely postpone was not agreed to.

The question recurring on the report of the Committee on Roads as amended,

It was concurred in.

The question being on engrossing the bill.

Messrs. Harney and Chapman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Bunyan, Cardwell, Cree, Davidson, Hackleman, Howard, Johnson of Floyd, Peed, Rhodes, Tobin and Winterbotham—13.

Those who voted in the negative were,

Messrs. Boone, Bowman, Chapman, Culbertson, Daggy, Dykeman, Givan, Gooding, Grove, Harney, Haworth, Henderson, Hendricks, Hough, Humphries, Johnston of Parke, Maxwell, Neff, Oliver, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Thompson, Underwood and Wilson—30.

So the bill was not ordered engrossed.

Mr. Smith moved that the bill and report be referred to the Committee on Judiciary.

Mr. Boone moved that the bill and report do lie on the table.

Mr. Bearss and Johnston of Floyd demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Boone, Bowman, Cardwell, Chapman, Culbertson, Daggy, Davidson, Dykeman, Givan, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Humphries, Johnston of Parke, Maxwell, Neff, Oliver Rhodes, Ringo, Sarnighausen, Scott, Skinner, Slater, Sleeth, Thompson, Tobin, Underwood and Wilson—33.

Those who voted in the negative were,

Messrs. Bearss, Bunyan, Cree, Howard, Johnston of Floyd, Peed, Roe, Smith, Stockslager and Winterbotham—10.

So the bill and report were ordered to lie on the table.

Senate Bill No. 63. A bill to amend section two of an act entitled "An act fixing the time of holding Circuit Courts in the Thirteenth Judicial Circuit of this State," approved March 11, 1873.

Was read a second time.

Report of the Committee on Organization of Courts concurred in and the bill ordered engrossed.

Senate Bill No. 150. An act to authorize and empower manual labor schools organized and incorporated under the laws of this State to accept and execute indentures of apprenticeship, and to make such indentures transferable by such corporations, and prescribing the rights and duties of the transferee.

Was read a second time.

Report of the Committee on Rights and Privileges concurred in and the bill ordered engrossed.

Mr. Neff was granted indefinite leave of absence.

Senate Bill No. 63. A bill empowering the board of trustees of any town in the State, by ordinance, to prohibit the sale, bartering or giving away of intoxicating liquors within the corporate limits of said town, to be drank upon the premises or appurtenances of the premises whereon sold, by any person without a license or permit thereto, authorizing him first to obtain by grant of, and issued upon the direction of such board, and to prescribe the notice and condition upon which such licenses or permits shall be applied for and granted, and to fix a penalty for the violation of such ordinance and making all fees received for licenses or permits issued under such ordinance, and all penalties collected for violations of such ordinance, a part of the tuition fund of the common school of the town in which such ordinance is ordained, and providing for the collection of the penalties for the violation of such ordinance, by civil action, in the circuit court of the county in which such town is situated, and declaring an emergency.

Was read a second time.

The question being on concurring in the report of the committee.

Mr. Slater offered the following amendment: Amend by striking out "\$500" in section two and inserting "fifty dollars" in lieu thereof.

Mr. Hough moved that the amendment do lie on the table.

Messrs. Slater and Stockslager demanded the ayes and noes.

S. J.—25

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Hackleman, Haworth, Hendricks, Hough, Howard, Johnston of Parke, Major, Oliver, Rhodes, Ringo, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Those who voted in the negative were,

Messrs. Culbertson, Dykeman, Givan, Grove, Humphries, Johnson of Floyd, Maxwell, Peed, Sarnighausen, Skinner, Slater, Smith, Stockslager and Winterbotham—14.

So the amendment was laid on the table.

Mr. Slater offered the following amendment :

Amend as follows, "That local option should not be used by the board of trustees in determining amount of license."

Mr. Bunyan moved that the amendment do lie on the table.

Which was agreed to.

Mr. Sarnighausen offered the following amendment :

Strike out all after the word "license," in line — section 1, and insert in lieu thereof "not higher than the State license are or may be."

Mr. Bunyan moved that the amendment do lie on the table.

Messrs. Slater and Peed demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Cree, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Hackleman, Haworth, Hendricks, Hough, Howard, Humphries, Johnston of Parke, Major, Oliver, Rhodes, Ringo, Roe, Scott, Sleeth, Tobin and Underwood—29.

Those who voted in the negative were,

Messrs. Bowman, Culbertson, Givan, Grove, Johnson of Floyd, Peed, Sarnighausen, Skinner, Slater, Smith, Stockslager and Thompson—12.

So the amendment was laid on the table.

Mr. Dykeman offered the following amendment :

Amend by striking out “\$500,” and insert in lieu thereof, “\$1,000.”

Mr. Rhodes moved that the amendment do lie on the table.

Messrs. Smith and Slater demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Boone, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Hackleman, Harney, Haworth, Hough, Howard, Humphries, Johnston of Parke, Major, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood and Wilson—38.

Those who voted in the negative were,

Messrs. Bunyan, Dykeman, Grove and Winterbotham—4.

So the amendment was laid on the table.

Mr. Johnston of Parke offered the following amendment :

Strike out the word “five hundred” where it occurs in the bill, and insert in lieu thereof the words “two hundred.”

Which was agreed to.

The question recurring on concurring in the report of the Committee on Temperance as amended.

It was concurred in and the bill ordered engrossed.

The President laid before the Senate the following communication :

HON. LEONIDAS SEXTON,

President of the Senate:

SIR:—In response to resolution of the Senate in regard to fees, etc., passed yesterday, I have the honor to report as follows :

Amount received from the 10th day of February, 1873, to the 10th day of February, 1874 :

On account of salary.....	\$3,000 00
On account of free banking.....	800 00
On account of officers' expenses.....	1,000 00
On account of College Fund expenses.....	68 27
	<hr/>
	\$4,868 27

On the 10th day of February, 1875, I will have received for the year ending that day :

On account of salary.....	\$3,000 00
On account of free banking	800 00
On account of office expenses.....	1,000 00
On account of College Fund expense.....	533 28
	<hr/>
	\$5,333 28
Making a total, 1873.....	<hr/> \$4,868 27
Making a total, 1874.....	5,333 28
	<hr/>
	\$10,201 55

Very respectfully,

JOHN B. GLOVER,

Treasurer of State.

Was read and referred to the Committee on Fees and Salaries.

Senate Bill No. 83. An act to provide against intoxication on the part of public officers and providing for the removal of officers therefor.

Was read a second time, report of the Committee on Judiciary concurred in and the bill ordered engrossed.

Senate Bill No. 216. A bill to amend section 1 of an act entitled "An act to amend an act entitled 'an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'" approved March 8, 1873.

Was read a second time, report of the Committee on Education concurred in and the bill laid on the table.

Senate Bill No. 111. A bill allowing the same defense to notes or bills of exchange payable in bank that are allowed now by law against notes not payable in bank.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary.

Mr. Rhodes moved to amend the report by laying the bill on the table.

Which was agreed to.

The question recurring on the report of the committee as amended.

It was concurred in, and the bill and report laid on the table.

Senate Bill No. 24. A bill to provide for the mortgaging of real estate of infants and persons of unsound mind by their guardians, etc.

Was taken from the calendar.

The question being, shall the bill be engrossed ?

Messrs. Harney and Humphries demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Boone, Bowman, Daggy, Gooding, Henderson, Hough, Johnston of Parke, Oliver, Sarnighausen, Smith, Stockslager and Thompson—12.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Culbertson, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Grove, Hackleman, Harney, Haworth, Howard, Humphries, Johnson of Floyd, Major, Maxwell, Peed, Rhodes, Ringo, Roe, Scott, Skinner, Slater, Tobin, Underwood, Wilson and Winterbotham—34.

So the bill was not ordered engrossed.

Mr. Bearss moved that the bill be indefinitely postponed.

Messrs. Thompson and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davison, Dykeman, Friedley of Lawrence, Givan, Grove, Hackleman, Harney, Howard, Humphries, Major, Peed, Rhodes, Ringo, Roe, Skinner, Slater, Tobin, Underwood, Wilson and Winterbotham—27.

Those who voted in the negative were,

Messrs. Beardsley, Boone, Bowman, Gooding, Haworth, Henderson, Hough, Johnson of Floyd, Johnston of Parke, Maxwell, Oliver, Sarnighausen, Scott, Smith, Stockslager and Thompson—16.

So the motion was agreed to and the bill indefinitely postponed.

Senate Bill No. 80. A bill to amend section 1 of an act entitled "An act regulating general elections and prescribing the duties of

officers in relation thereto," approved June 7, 1852, and to amend an act entitled "An act to provide for township elections," approved June 15, 1852, and to fill vacancies in office occasioned by the provisions of this act and to repeal all laws inconsistent therewith, and declaring an emergency.

Was read a second time.

The report of the Committee on Judiciary was concurred in and the bill laid on the table.

Senate Bill No. 164. A bill to regulate and restrain dogs from running at large and for the protection of sheep, and to discourage the keeping of useless and sheep-killing dogs, etc.

Was read a second time.

The question being on concurring in the report of the Committee on County and Township Business.

Mr. Smith moved that the bill and report be recommitted to the Committee on Public Printing.

Which was agreed to.

On motion, by Mr. Haworth, the Senate adjourned till to-morrow morning, 10 o'clock.

THURSDAY MORNING.

FEBRUARY 4, 1875—10 o'clock.

Senate assembled, President in the chair.

Journal of Wednesday, February 3, read and approved.

RESOLUTIONS.

Mr. Haworth offered the following resolution :

WHEREAS, General Ambrose E. Burnside, a citizen and United

States Senator elect of the State of Rhode Island, and a native of this State, is stopping at present in this city ; therefore,

Resolved, That he be invited to a seat upon the floor of the Senate during his stay.

Which was adopted.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Daggy, petitions of citizens from Putnam county on subject of railroad tax.

Was referred to the Committee on Railroads.

By Mr. Johnson of Floyd, petitions from citizens of Floyd and Clarke counties on the subject of criminal courts.

Was referred to the Committee on Judiciary without reading.

The President laid before the Senate a memorial from the Women's Christian Temperance Union of Martinsville, Indiana.

Was read and referred to the Committee on Temperance.

The President laid before the Senate the following communication :

TO THE HON. LEONIDAS SEXTON,

President of the Senate :

SIR:—In response to a resolution of the Senate, February 1, calling on the Auditor of State to know the entire amount of fees and perquisites received by his predecessor during his term for the years 1873 and 1874, I respectfully state that it is impossible for me to give the information asked for, as I have no means of knowing.

In response to a similar resolution directed to my predecessor asking for the number of certificates issued to the agents of foreign insurance companies from January, 1873, to December, 31, 1874, he has furnished me the following statement :

Total number of certificates issued from January, 1873, to
 December 31, 1874.....10,977
 Total number of statements filed during same period..... 449
 Which includes the issuing and filing of annual and semi-annual
 statements and certificates.

Respectfully submitted,

E. HENDERSON,

Auditor of State.

Mr. Sleeth moved that the portion of the communication of the Auditor of State referring to the resolution asking for information in relation to the fees of that office on account of foreign insurance companies be referred back to the Auditor together with a second copy of the resolution therein referred to, and that he be requested to fully answer said resolution at his earliest convenience.

Which was agreed to.

Mr. Slater offered the following resolution :

WHEREAS, General S. B. Buckner, of Kentucky, a distinguished citizen of Kentucky, is in the city in company with General Burnside, and the fact just having become known; therefore,

Resolved, That he be invited to a seat upon the floor of the Senate during his stay in the city.

The question being upon the adoption of the resolution,

Messrs. Johnston of Parke and Hough demanded the ayes and noes.

Mr. Chapman offered the following:

To strike out all after the word "city," in line four, to and including the word "known."

Mr. Bunyan moved that the resolution and amendment do lie on the table.

Messrs. — and Bearss demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bunyan, Daggy, Haworth, Johnston of Parke, Thompson and Underwood—8.

Those who voted in the negative were,

Messrs. Baxter Beardsley, Bell, Boone, Bowman, Cardwell, Chapman, Cree, Culbertson, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Grove, Hackleman, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Wilson and Winterbotham—40.

So the motion to lie on the table was not agreed to.

The question recurring on the adoption of the amendment.

It was agreed to.

The question recurring on the adoption of the resolution as amended.

Messrs. Johnston of Parke and Bearss demanded ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bell, Boone, Bowman, Cardwell, Cree, Culbertson, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Grove, Hackleman, Harney, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Tobin, Wilson and Winterbotham—40.

Those who voted in the negative were,

Messrs. Bearss, Bunyan, Chapman, Daggy, Haworth, Johnston of Parke, Thompson and Underwood—8.

So the resolution was adopted.

Leave of absence was granted the members of the Committee on Reformatory Institutions, for the remainder of the day.

REPORTS.

Mr. Hough, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House Bill No. 140, an act legalizing certain official acts of the Common Council of the city of Kokomo, and other officers of said city, and declaring an emergency, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Hough, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 206, entitled "A bill to amend section 17 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and such other matters as properly pertain thereto,'" approved March 14, 1867, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it lie upon the table.

Was placed on the calendar.

Mr. Underwood, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred House Bill No. 153, An act to legalize the acts of incorporation of town

of Portland, Jay county, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend its passage.

Was placed on the calendar.

Mr. Gooding, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 95, a bill in relation to laying out, opening, widening, altering and vacation of streets, alleys and highways, and for the straightening or altering of water courses by the cities of the State, and providing for the appointment of Commissioners to assess benefits and damages, prescribing the duties and methods of procedure, and providing for the collection of benefits and payment of damages, prescribing the duties of city officers in relation thereto, and providing remedies in such matters, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Bowman, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 215, a bill authorizing the organization of cooperative associations, have had the same under consideration, and a majority of the committee have directed me to report the same back to the Senate with the recommendation that the bill do lie on the table.

Mr. Maxwell, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

Your Committee on Corporations, to whom was referred House Bill No. 213, entitled "A bill to legalize taxes for 1874, of Auburn,

in DeKalb county, Indiana, and the proceeding of the proper officer in relation thereto, and to empower the proper officers to collect said taxes," and declaring an emergency, have had the same under consideration, and request me to report the same back to the Senate with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Underwood, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred House Bill No. 109, a bill to provide for the removal of line fences in certain cases, and prescribing the duties of justices, constables and applicants in relation thereto, have had the same under consideration, and recommend its passage.

Was placed on the calendar.

Mr. Wilson, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred House Bill No. 138, a bill for the destruction of wolves and foxes, etc., have had the same under consideration, and have instructed me to report the same back with a recommendation that the same do pass.

Was placed on the calendar.

Mr. Wilson, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 173, entitled "A bill to provide for allowances by county boards in certain cases," have had the same under

consideration, and instruct me to report the same back to the Senate with the recommendation that it lie on the table.

Was placed on the calendar.

Mr. Wilson, from the Committee on County and Township Business made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 201, entitled "A bill to legalize the organization of all plank, macadamized or gravel road companies," have had the same under consideration, and have instructed me to report the same back to the Senate with a recommendation that the same lie upon the table.

Was placed on the calendar.

Mr. Howard, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 139, an act in relation to the care and preservation of cemeteries, have had the same under consideration and direct me to report the same back with the recommendation that it lie on the table.

Was placed on the calendar.

Mr. Howard, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred the petition of John Scott and others, bondsmen for Josiah Hames, township trustee, to be released from their liability as such bondsmen, have considered the same and direct me to report back said petition with the recommendation that it lie on the table.

Which was concurred in.

Mr. Howard, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business to whom was referred Senate Bill No. 223, entitled "A bill to repeal sections 1 and 3 of an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852, have had the same under consideration and direct me to report the same back to the Senate recommending its passage.

Was placed on the calendar.

Mr. Grove, from the Committee on County and Township Business, to whom was referred House Bill No. 201, entitled "A bill to amend an act entitled 'an act regulating the fees of officers, and providing penalties for its violation, repealing certain acts therein named, and providing duties to be performed by State, county, and township officers, and matters properly connected therewith, and declaring an emergency,'" approved March 8, 1873, have had the same under consideration, and direct me to report the same back with the recommendation that it do lie on the table.

Was placed on the calendar.

Mr. Grove, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 197, entitled "An act to amend section five of an act supplementary and amendatory of an act entitled 'an act to provide for a uniform assessment of property and for the collection and return of taxes thereon,'" approved December 21, 1872, approved March 8, 1873, have had the same under consideration, and have directed me to report the same back with the recommendation that "forty cents" be substituted for "twenty cents," in line ten of section one, and when so amended the Committee recommend its passage.

Was placed on the calendar.

Mr. Howard from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee to whom was referred Senate Bill No. 94, entitled "An act to regulate the sale of proprietary or patent medicines, have had the same under consideration, and would recommend the following amendment, viz., To strike out of section one, line eleven, the words "or plainly written."

Also, the same words on line twenty, and when so amended recommend that it do pass.

Was placed on the calendar.

Mr. Howard, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 148, entitled "An act to authorize appeals from the boards of commissioners of the different counties of the State to the circuit courts," etc., have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that it lie on the table.

Was placed on the calendar.

Mr. Gooding, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 211, have had the same under consideration and direct me to report the same back with the following recommendation : That the following bill be substituted therefor :

Senate Bill No. 245. A bill to amend section two of an act entitled "An act concerning the organization and perpetuity of voluntary associations and repealing an act entitled 'an act concerning

the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, and repealing each act repealed by said act, and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act.

Was read a first time.

Mr. Howard, from a Select Committee, made the following report :

MR. PRESIDENT :

The Select Committee, to whom was referred House Bill No. 224, entitled "A bill for an act to fix the time for holding court in the counties comprising the Thirty-fifth Judicial Circuit," have considered the same, and report it back to the Senate recommending its passage.

Was placed on the calendar.

Mr. Chapman, from the Committee on Finance, made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Engrossed House Bill No. 3, entitled "A bill to amend section 102, 107, 108, 125 and 270, and to repeal section 276 of an act entitled 'an act to provide for a uniform assessment of property and for the collection and return of taxes thereon,'" approved December 21, 1872, repealing all laws in conflict herewith, adding supplemental sections to said act and declaring an emergency, have had the same under careful consideration and have directed me to report the same back to the Senate recommending the following amendments, to-wit :

Amend the first section of the bill by striking out the words "one thousand eight hundred and eighty," in lines 7, 8 and 9, on page

2, and insert in lieu thereof the words "one thousand eight hundred and seventy-five." Amend the first section of the bill by inserting after the word "thereof," in line 4, page 3, the words "section 2." Amend the first section of the bill by inserting after the word "aforesaid," in line 10, page 5, the words "section 3." Amend the first section of the bill by inserting after the word "section," in line 11, page 6, the words "section 4."

Amend the first section of the bill by inserting after the word "act," in line 7, page 7, the words "section 5." Amend the first section of the bill by inserting after the word "assessor," in line 12, page 8, the words "section 6." Also, amend the bill by striking out the words "section 2," in line 1, page 9, and insert in lieu thereof the words "section 7." Amend the bill by inserting after the section amended to be section 7, the following new section :

SEC. 8. The Township Assessors provided for in this act shall receive as compensation for the services therein required of them the sum of two dollars per day and no more, to be paid to them from the county treasury, upon the Auditor's warrants.

Also, amend the bill by striking out the words "section 3," in line 12, page 10, and inserting in lieu thereof the words "section 9." Also, amend the bill by striking out the words "section 4," in line 3, page 11, and inserting in lieu thereof the words "section 10," and that when so amended the passage of the bill is recommended.

Was placed on the calendar.

Mr. Rhodes offered the following resolution :

Resolved, That the Committee on Fees and Salaries be and they are hereby authorized to subpoena before them witnesses from whom they may elicit information on the subject of the fees and perquisites of the offices of this State.

Which was adopted.

Mr. Boone offered the following resolution :

Resolved, That the principal Secretary of the Senate be and he is hereby required to comply with the thirteenth section of an act of

1872, requiring him to prepare and place in a conspicuous place in this Senate Chamber an accurate and complete list of the names of all the officers and employes connected with the Senate, naming the position which each employe occupies.

Which was adopted.

By unanimous consent Mr. Boone, from the Committee on Elections, made the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate Bill No. 238, a bill to amend an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein, etc.," approved March 8, 1873, and adding an additional section, have had the same under consideration, and a majority of said committee have instructed me to report the same back with the following amendments: Amend by striking out the first section of the bill. Amend by adding at the end of line 14 of section 2 the following: *Provided*, that this provision shall not be so construed as to be in addition to another or different compensation allowed and paid to some other person or officer for the collection of the same money. Strike out the third section of the bill. And when so amended recommend its passage.

Was placed on the calendar.

By unanimous consent Mr. Beardsley, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred Petition No. 6, from the citizens of Rush county have directed me to return the same to the Senate with a recommendation that it lie upon the table.

Which was concurred in.

By unanimous consent Mr. Major, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred Senate Bill No. 243, entitled "An act to amend section 3 of an act to amend an act entitled 'an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries,' " etc., have had the same under consideration, and have directed me to report the same back to the Senate with a recommendation that it lie upon the table.

Was placed on the calendar.

SENATE BILLS ON FIRST READING.

Mr. Gooding introduced

Senate Bill No. 246. A bill to amend sections 36 and 58 of an act entitled "An act granting to citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1874, and adding a supplemental section thereto abolishing the office of City Collector of said city, and requiring the City Treasurer to perform the duties of City Collector, and construing the forty-first clause of the thirtieth section of the charter of said city with an emergency clause thereto.

Was read a first time and referred to the Committee on Corporations.

Mr. Friedley of Lawrence introduced

Senate Bill No. 247. A bill to provide for the repayment of certain soldiers bounties erroneously paid into the State Treasury Fund

of estates without heirs, and converted into the school fund by the State's non-negotiable bond.

Was read a first time and referred to the Committee on Claims.

Mr. Henderson introduced

Senate Bill No. 248. A bill defining the duties of County and Township Assessors and County and State Boards of Equalization in certain cases, and prescribing the manner of determining the value of property of incorporated manufacturing and mining and other incorporated companies for taxation, and declaring an emergency.

Was read a first time and referred to the Committee on Finance.

Mr. Bearss introduced

Senate Bill No. 249. A bill to prohibit any city or town containing less than ten thousand inhabitants by their Common Council, or Board of County Commissioners of any county from annexing any contiguous territory to said city or town, without the consent of the owners, limiting said City Council in their levy of tax, repealing certain laws in conflict therewith, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Mr. Scott introduced

Senate Bill No. 250. A bill providing for the incorporation of State, district, county, subordinate, and other granges of the Order of the Patrons of Husbandry, defining their powers and duties in certain cases, and declaring an emergency.

Which was read a first time and referred to the Committee on Corporations.

Mr. Rhodes introduced

Senate Bill No. 251. A bill in relation to promissory notes and other contracts, and declaring an emergency.

Which was read a first time and referred to the Committee on Judiciary.

Mr. LaRue introduced

Senate Bill No. 252. A bill to establish a Superior Court in the county of Tippecanoe, defining its jurisdiction, providing for the election and compensation of the judge thereof, to abolish the Criminal Courts of said county, and transferring its business to the Circuit Court thereof.

Which was read a first time and referred to the Committee on Organization of Courts.

Mr. Neff introduced

Senate Bill No. 253. A bill in relation to the election of officers of the two Houses of the General Assembly, prescribing their duties, and fixing the salaries of the same, and repealing all laws in conflict with the same.

Was read a first time and referred to the Committee on Fees and Salaries.

Mr. Friedley of Lawrence, introduced

Senate Bill No. 254. A bill to amend section 23 and 117 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, and to amend section 1 of an act amendatory of section 138 of said act, approved March 7, 1857, and to provide by sections supplemental to said original act for the distribution of the surplus of estates before final settlement thereof, and the settlement of certain estates without administration, also to repeal sections 24 and 118 of said original act.

¶ Was read a first time and referred to the Select Committee on Decedent Estates.

Mr. Gooding introduced

Senate Bill No. 255. A bill supplemental to an act entitled "An act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the judges thereof," approved February 15, 1871.

Was read a first time and referred to the Committee on the Organization of Courts.

On motion, by Mr. Chapman, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

Mr. LaRue introduced

Senate Bill No. 256. A bill to enforce the collection of delinquent taxes by judicial proceedings.

Was read a first time and referred to the Committee on Finance.

Mr. Gooding introduced

Senate Bill No. 257. A bill to authorize Circuit Judges to appoint receivers in vacation the same as in term.

Was read a first time and referred to the Committee on Judiciary.

Mr. Scott introduced

Senate Bill No. 258. A bill declaring what shall in certain cases be the basis of the assessment of taxes upon the real estate in cities and incorporated towns, and prescribing the duties of Common Councils and Trustees in incorporated towns in relation thereto, and prescribing the duty of the County Auditors in certain cases.

Was read a first time and referred to the Committee on Corporations.

Mr. Major introduced.

Senate Bill No. 259. A bill in regard to the conveyance of the public grounds and buildings upon the relocation of county seats.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Smith introduced

Senate Bill No. 260. A bill declaring animals of the dog kind personal property, defining the rights of ownership in them, and making provisions for the recovery of the possession and for the value of such animals at law.

Which was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Baxter introduced

Senate Bill No. 261. A bill to amend the 447th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in counties of this State, to abolish distinct forms of action at law and to provide for the administering of justice in a uniform mode of pleading and practice without distinction between law and equity."

Was read a first time and referred to the Committee on Judiciary.

Mr. Stockslager introduced

Senate Bill No. 262. A bill to amend sections 44 and 97 of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and declaring an emergency.

Was read a first time and referred to the Committee on Finance.

Mr. LaRue introduced

Senate Bill No. 263. A bill to amend section 1 of an act entitled "An act to incorporate the Lafayette Insurance Company," approved February 8, 1836.

Was read a first time and referred to the Committee on Insurance.

Mr. Humphries introduced

Senate Bill No. 264. A bill repealing section fifty-five of an act entitled "An act to amend an act to authorize and regulate the business of general banking," which passed the two Houses of the General Assembly and became a law March 3, 1855.

Was read a first time and referred to the Committee on Fees and Salaries.

Mr. Tobin introduced

Senate Bill No. 265. A bill supplementary and amendatory of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes," approved December 21, 1872.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Tobin introduced

Senate Bill No. 266. A bill to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. Sleeth moved to reconsider the vote ordering Senate Bill No. 39 to be engrossed.

Which was agreed to.

Mr. Howard offered the following amendments :

Recommit the bill to a committee with the further instruction to strike out all after the enacting clause and all amendments thereto, and insert the following :

That an act to amend sections 3 and 14 of an act entitled "An act to allow County Commissioners to organize turnpike companies when three-fourths of the persons representing the real estate within prescribed limits petition for the same, and to levy a tax for its construction, and provide for the same to be free," approved March 6, 1865, approved March 7, 1867, and all the acts entitled "An act authorizing the assessment of taxes for plank, macadamized, and gravel road purposes, prescribing the manner of assessing and collecting the same, and repealing the law on that subject," approved March 11, 1867, approved May 14, 1869, be and the same are hereby repealed, except section 20 of said last recited act, and all other laws authorizing an assessment or collection of any tax or assessment for the construction of any plank, macadamized, or gravel road purposes in this State; *Provided, however,* That this act shall in no wise be construed to interfere with assessment heretofore collected or paid for the benefit or construction of any plank, macadamized, or gravel road company; *And provided further,* That this act shall in no wise be construed to revive the acts repealed by this act. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage.

Mr. Sleeth offered the following amendment to the amendment :

Provided further, That this act shall not be construed to effect assessments that heretofore have been placed on the tax duplicate and any part thereof collected by the treasurer or worked out upon the proposed road by the party so assessed, but in all such cases, and in all other cases where the road has been completed in whole or in part, or the assessment of benefit paid in whole or in part, under the provisions of any of the acts hereby repealed, all the rights so acquired are saved from the effects of this act.

Mr. Smith moved to recommit the bill and pending amendments to the Committee on Corporations.

Which was agreed to.

Message from the House, by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled House Act No. 182, entitled "An act to repeal sections 272 and 273 of an act entitled 'an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,' " approved December 21, 1872, and said act is herewith transmitted for the signature of the President of the Senate.

HOUSE BILLS ON FIRST READING.

Engrossed House Bill No. 207. An act providing for the enclosure of lands subject to overflow, and declaring an emergency.

Was read a first time and referred to the Committee on Roads.

Engrossed Joint Resolution No. 6. A joint resolution requesting our Representatives in Congress to use all proper means to secure an appropriation for the improvement of the Ohio river navigation.

Was placed on the calendar.

On motion, a recess of ten minutes was taken for the purpose of introducing Gen. A. E. Burnside and Gen. S. B. Buckner to the Senate.

Senate again called to order by the President.

Leave of absence was granted members of the Committee on Benevolent Institutions for the rest of the day.

Engrossed House Joint Resolution No. 3. A joint resolution expressing regret for the death of the Hon. Milton B. Hopkins.

Was read a first time.

Mr. LaRue moved that the constitutional rule requiring bills to be read on three several days be suspended and House Joint Resolution No. 3 be read a second time by title and a third time by sections now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Peed, Rhodes, Ringo, Sarnighausen, Scott, Skinner, Slater, Sleeth, Stockslager, Tobin and Underwood—43.

No Senator voting in the negative.

So the constitutional rule was suspended and House Joint Resolution No. 3 was read a second time by title and a third time by sections.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Henderson, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Tobin and Underwood—38.

No Senator voting in the negative.

So the joint resolution passed.

The question being, shall the title as read stand as the title of the joint resolution?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the joint resolution.

Mr. Sleeth moved that the order of business be suspended and bills on second reading be taken up.

Which was agreed to.

SENATE BILLS ON SECOND READING.

Senate Bill No. 72. A bill to amend section 3 of an act entitled "An act to render taxation for common school purposes uniform and to provide for the education of colored children of the State," approved May 13, 1869.

Was read a second time and the report of the Committee on Education concurred in.

The question being, shall the bill be engrossed ?

Messrs. Slater and Sleeth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Henderson, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Sarnighausen, Scott, Skinner, Sleeth, Stockslager, Tobin and Underwood—33.

Those who voted in the negative were,

Messrs. Bowman, Culbertson, Grove and Slater—4.

So the bill was ordered engrossed.

Senate Bill No. 125. An act to amend section 16 of an act entitled "An act concerning promissory notes and bills of exchange," approved May 12, 1852.

Was read a second time and the report of the committee concurred in and the bill ordered engrossed.

Senate Bill No. 77. A bill to provide for the trial of certain causes in which changes of venue are granted.

Was read a second time.

Mr. Gooding moved to amend the report as follows :

Provided, That if a Judge shall not be secured, nor an attorney agreed upon, the Judge shall make a list of three attorneys who shall none of them be of the county where the trial is had, which list shall be presented by the clerk, first to the plaintiff who shall strike off the name of one attorney, and then the defendant, who shall strike off the name of one attorney, and the remaining attorney act as judge in the trial of the cause.

Which was agreed to.

The question being on concurring in the report of the committee as amended.

It was agreed to and the bill ordered engrossed.

The President announced he had signed Enrolled House Act No. 182, an act to repeal sections 272 and 273 of an act entitled "An act to provide for a uniform assessment of property and the collection and return of taxes thereon.

Senate Bill No. 13. An act to repeal an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and saving proceedings commenced under said act, and declaring an emergency.

Was read a second time together with Senate Bill No. 219, offered as a substitute by the Committee on Rights and Privileges of the Inhabitants of the State.

A bill to amend the first, second, third, fourth, eighth, thirteenth and seventeenth sections of an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869.

The question being on concurring in the report of the Committee, Mr. Johnston of Parke moved the report and bills be made a special order for Tuesday of next week at 10 a. m.

Which was agreed to.

Mr. Bunyan moved that Senate Bill No. 69 be taken from the calendar and recommitted to the Committee on County and Township Business without reading.

Which was agreed to.

Senate Bill No. 144. A bill supplemental to an act approved January 21, 1852, and entitled "An act authorizing Circuit Courts to change the names of persons and corporations."

Was read a second time and report of committee concurred in and ordered engrossed.

Mr. Gooding moved a suspension of the constitutional rule, and that House Joint Resolution No. 6 be read a second time by title, and a third time by sections, and put upon its passage.

The roll being called under the rule,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Henderson, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Tobin and Underwood—37.

No senator voting in the negative.

So the constitutional rule was suspended and House Joint Resolution No. 6, a joint resolution requesting our Representatives in Congress to use all proper means to secure an appropriation for the improvement of the Ohio river, was read a second time by title and a third time by sections.

The question being on the passage of the resolution.

Mr. Boone moved to recommit to the Committee on Federal Relations with instructions to amend by inserting the word "Wabash" after the word "Ohio."

Mr. Smith offered the following amendment to the amendment :

Amend by adding "Tippecanoe and Eel rivers."

Mr. Peed moved that all the amendments do lie on the table.

Which was not agreed to.

The question recurring on the amendment to the amendment,

It was not agreed to.

Mr. Friedley of Lawrence offered the following amendment to the amendment :

Amend by adding after the words "Ohio river" the words "and the east fork of White river."

Mr. Neff moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put.

It was so ordered.

The question then being on the amendment to the amendment,

It was not agreed to.

The question recurring on the motion and amendment,

It was agreed to.

Mr. Friedley of Lawrence demanded a call of the Senate.

Those answering to their names were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Dykeman, Friedley of Law-

rence, Friedley of Scott, Gooding, Grove, Henderson, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Sarnighausen, Scottt, Skinner, Smith, Stockslager, Thompson, Tobin and Underwood—36.

On motion, by Mr. Sleeth, a further call of the Senate was dispensed with.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the House has passed Engrossed House Bill No. 174, entitled "An act to regulate and license the sale of spiritous, vinous and malt and other intoxicating liquors, to prohibit the adulteration of liquors, to limit the license fee to be charged by cities and towns, to repeal all former laws regulating the sale of intoxicating liquors, and all laws and parts of laws coming in conflict with the provisions of this act, and prescribing penalties for the violation thereof, and declaring an emergency," and the same is herewith transmitted to the Senate for its action thereon.

On motion, by Mr. Peed, the Senate adjourned until 10 a. m. tomorrow.

FRIDAY MORNING.

FEBRUARY 5, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. Dr. Nutt, of Bloomington.

Journal of yesterday read and approved.

Leave of absence was granted Mr. Dykeman for to-day.

S. J.—27

The hour of 10 o'clock having arrived, being the hour for the consideration of the special order, being the resolution offered by Mr. Rhodes, on the subject of fees and salaries.

By unanimous consent, Mr. Boone presented a memorial from fifteen hundred citizens of Boone county on the same subject.

Was read and referred to the Committee on Fees and Salaries.

By unanimous consent the Senate went into the Committee of the Whole Senate for the consideration of the special order (Mr. Rhodes' resolution) with Mr. Chapman in the chair. The committee rose and through their chairman made the following report:

MR. PRESIDENT:

The Committee of the Whole Senate have had under consideration the resolution upon the Fees and Salary question and direct me to report that they have made some progress in the consideration of the same and ask leave to set again at 2 o'clock this afternoon.

Which was concurred in.

The President laid before the Senate the following communication from the Auditor of State:

OFFICE OF THE AUDITOR OF STATE,
INDIANAPOLIS, February 5, 1875.

HON. LEONIDAS SEXTON,

President of the Senate:

SIR:—My communication of the 4th inst., in answer to the resolution of inquiry as to the fees and perquisites of my predecessor, relating to foreign insurance companies, appears not to have been understood.

The number of certificates issued from January 1873, to December 31, 1874, was 10,977 for which, under the law, he received from the companies two dollars each, making in the two years \$21,954.00. The number of statements filed was 484, at \$5.00 each,

making \$2,470, giving a total received from foreign insurance companies of \$24,424, or \$12,212 per annum.

The fees and perquisites of the Auditor's office proper, I am informed by my predecessor, are less than \$250.00 per annum.

Respectfully,

E. HENDERSON,

Auditor of State.

On motion by Mr. Chapman the Senate took a recess until 2 o'clock, p. m.

AFTERNOON SESSION.

President in the chair.

Leave of absence was granted Mr. Thompson for remainder of to-day.

Mr. Chapman moved to suspend the order of business and take from the files Engrossed House Bill No. 3.

Which was agreed to.

And engrossed House Bill No. 3. An act to amend sections 102, 107, 108, 125 and 270, and to repeal section 276 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes," etc.

Was read a second time.

The question being on the report of the Committee on Finance.

Mr. Slater offered the following amendment :

Amend by striking out of the report the words "two dollars per day," and insert in lieu thereof "two dollars and fifty cents per day."

Which was not agreed to.

Mr. Bell offered the following amendment :

Strike out of section 8 the words "two dollars per day," and insert in lieu thereof, "the sum of fifteen cents for each and every schedule completed."

Which was not agreed to.

The question recurring on concurring in the report of the committee.

Mr. Beardsley moved the previous question, which was seconded by the Senate.

The question being, shall the main question now be put ?

It was so ordered.

The question recurring on the report of the committee.

Messrs Rhodes, and Friedley of Lawrence demanded the ayes and noes.

Those voting in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Scott, Givan, Gooding, Harney, Henderson, Hendricks, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Ringo, Sarnighausen, Scott, Sleeth, Stockslager, Tobin, Underwood, Wilson and Winterbotham—34.

Those voting in the negative were,

Messrs. Bell, Bowman, Culbertson, Friedley of Lawrence, Grove, Hackeman, Haworth, Hough, Peed, Rhodes, Roe, Slater and Smith—13.

So the report of the committee was concurred in.

Mr. Chapman moved that the constitutional rule requiring bills to be read on three several days be suspended and that the bill be read a third time now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Harney, Haworth, Henderson, Hendricks, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Rhodes, Ringo, Sarnighausen, Scott, Sleeth, Stockslager, Tobin, Underwood, Wilson and Winterbotham—39.

Those who voted in the negative were,

Messrs. Bell, Givan, Grove, Hough, Peed, Roe, Skinner, Slater and Smith—9.

So the constitutional rule was suspended.

Mr. Harney moved to recommit the bill to the Committee on Finance with instructions to amend by inserting three dollars per day in lieu of two dollars.

Which was not agreed to.

Engrossed House Bill No. 3, An act to amend sections 102, 107, 108, 125 and 270, and to repeal section 276 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes," etc.

Was read a third time.

The question being, shall the bill pass?

Mr. Daggy moved to recommit the bill to the Committee on Fees and Salaries with instructions to insert three dollars instead of two dollars.

Which was not agreed to.

Mr. Daggy moved to recommit to the Committee on Fees and Salaries with instructions to insert two dollars and fifty cents per day instead of two dollars.

Which was not agreed to.

Mr. Bell moved to recommit the bill to the Committee on Fees and Salaries with instructions to insert after the words two dollars per day "for such time as is necessarily required to perform that duty."

Which was not agreed to.

The question recurring on the passage of the bill,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Henderson, Hendricks, Howard, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Ringo, Roe, Sarnighausen, Scott, Sleeth, Stockslager, Tobin, Underwood, Wilson and Winterbotham—37.

Those who voted in the negative were,

Messrs. Friedley of Lawrence, Haworth, Hough, Johnson of Floyd, Oliver, Peed, Rhodes, Skinner and Slater—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 183, an act authorizing incorporated cities to reform and change their boundary lines so as to exclude therefrom suburban lots or tracts of land, and declaring an emergency.

Also, Engrossed House Bill No. 111, a bill defining grave-robbing and prescribing punishment therefor, and declaring an emergency.

Also, Engrossed House Bill No. 204. A bill providing for the relief of persons bound as surety on contract in writing for the payment of money.

Also, House Bill No. 99, being a bill to amend section 1 of an act to provide compensation to the owners of animals killed or injured by the cars, locomotives, or other carriages of any railroad in this State, and to enforce the collection of judgment rendered on account of the same, and to repeal all laws inconsistent therewith.

And said bills are herewith transmitted for the action of the Senate.

The hour of 2 o'clock p. m. having arrived, by unanimous consent the Senate went into Committee of Whole Senate on the subject of Fees and Salaries, with Mr. Chapman in the chair.

The committee arose and through their chairman, submitted the following report:

MR. PRESIDENT :

The Committee of the Whole Senate have continued the consideration of the resolution upon the subject of Fees and Salaries and direct me to report the following resolutions and recommend their adoption.

Resolved, That the Committee on Fees and Salaries be instructed to incorporate into any fee bill reported by them the following propositions :

To the Secretary, Auditor and Treasurer of State a definite and certain salary. And provided by law that individuals or corporations having business performed in said offices shall pay into the State Treasury the fees now required by law to be paid for such services.

That the compensation to the officers of the prisons, benevolent, charitable and reformatory institutions be revised and reduced and made certain as nearly as practicable, and that said salaries shall be in proportion to the amount of service rendered.

Reduction of the salaries of judges of the Criminal Courts to twelve hundred dollars per year.

The fees to County Clerks and Sheriffs reduced in number with strict provisions against constructive fees, and an allowance from the treasury in small counties where the fees allowed are insufficient to command the service of good men for said offices.

County Auditors and Treasurers given a fixed salary, to which may be added for Auditors a schedule of fees for services rendered for individuals, and to Treasurer a reasonable per cent. for collecting delinquent taxes to be paid out of such collection.

No fees to be charged against decedent's estate, or in guardianship by Clerks, but that such officers be allowed a sum in gross to be paid out of the estate according to the value of such estate.

That the Governor's salary be six thousand dollars.

That the salary of the Attorney-General be two thousand dollars.

The question being on concurring in the report of the committee,

It was concurred in and the resolution adopted.

Mr. Bearss moved that when the Senate adjourn it be until Monday, 2 o'clock, p. m.

Which was agreed to.

Mr. Chapman moved a reconsideration of the vote.

Messrs. Givan and Chapman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Boone, Bowman, Bunyan, Cardwell, Chapman, Davidson, Givan, Gooding, Hackleman, Harney, Hen-

derson, Hendricks, Hough, Howard, Humphries, LaRue, Major, Maxwell, Neff, Oliver, Ringo, Roe, Scott, Sleeth and Underwood—27.

Those who voted in the negative were,

Messrs. Bearss, Culbertson, Haworth, Johnson of Floyd, Sarnighausen, Skinner, Stockslager and Wilson—8.

So the motion to reconsider was agreed to.

The question recurring on the motion to adjourn until Monday at 2 o'clock p. m.

It was agreed to.

Leave of absence until Tuesday morning was granted Messrs. Cree and Humphries.

On motion of Mr. Johnson of Parke, the Senate adjourned.

MONDAY AFTERNOON.

FEBRUARY 8, 1875, 2 O'CLOCK.

Senate assembled, President in the chair.

Journal of Friday last, the 5th instant, read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Neff, a petition from citizens of the State on the subject of taxing life insurance premiums.

Was read and referred to the Committee on Insurance.

By Mr. LaRue, a petition from citizens of Tippecanoe county on the subject of Fees and Salaries.

Was read and referred to the Committee on Fees and Salaries.

By Mr. Johnson of Floyd, on the subject of the Criminal Court of that county.

Was referred to the Committee on Judiciary without reading.

By Mr. Neff, a petition from citizens of Randolph county on the subject of fees and salaries.

Was read and referred to the Committee on Fees and Salaries.

By Mr. Sleeth, a petition from citizens of Rush county on the subject of interest.

Was read and referred to the Committee on Judiciary.

By Mr. Daggy, a petition from citizens of Putnam county on the subject of railroad appropriations by counties.

Was read and referred to the Committee on Railroads.

Mr. Chapman, from the Committee on Finance, made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred House Bill No. 128, entitled "An act to repeal section 55 of an act to amend an act to authorize and regulate the business of general banking," approved March 3, 1855, have given the said bill careful consideration and have directed me to report the same back to the Senate with a recommendation for its passage.

Was placed on the calendar.

Mr. Johnson of Parke, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills have examined Senate Bill No. 121, being a bill to amend an act entitled

"An act providing for the election and prescribing certain duties of county surveyors and find the same correctly engrossed.

Mr. Johnston of Parkè, from the same Committee, made the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have submttted to the Governor for his signature the following enrolled bills, to-wit :

Enrolled Senate Bill No. 115, a bill to provide for the sale of property held in trust in cases therein provided.

Mr. Bell, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills, to whom was referred Senate Bill No. 93, being an act to repeal an act entitled "An act to enable counties bordering on the State line, or rivers forming State boundaries, and townships and cities therein, to aid in the construction of railroads opposite such counties in other States to run to such counties or to form connections with other railroads in such counties, and prescribing the duties of the officers of such counties for that purpose, and authorizing such cities to issue bonds for such aid," have examined the same and find the same correct.

Mr. Bell, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have had under consideration Engrossed Senate Bill No. 67, entitled "An act to repeal section fifty-five of an act to authorize and regulate the business of general banking," approved March 3, 1855, and have directed me to report that the same is correctly engrossed.

Mr. Bell, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have had under consideration Engrossed Senate Bill No. 32, a bill to limit appointments to office in the reformatory and benevolent institutions, have directed me to report that the same is correctly engrossed.

Message from the House by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 44, being an act authorizing County Commissioners of the respective counties of this State to purchase all the books, stationery, and all other articles necessary for the use of the various county offices, Circuit and inferior Courts in the State of Indiana, and punishing County Commissioners for speculating on the said purchases, and declaring an emergency.

Also, Engrossed House Bill No. 195, being a bill to fix the time of holding courts in the Nineteenth Judicial Circuit, prescribing the length of terms, repealing all laws in conflict herewith, and declaring an emergency, and said bills are herewith transmitted for the action of the Senate.

I am further directed by the House to inform the Senate that the House has concurred with the Senate in the passage of the following resolution :

Resolved by the Senate, the House of Representatives concurring, That our Senators in Congress be instructed and our Representatives be requested to use all honorable means to secure the location of a branch mint of the United States at the city of Indianapolis, and said resolution is herewith returned to the Senate.

Mr. Chapman, from the Committee on Finance, made following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 7, entitled "An act to amend sections 102, 107, 271, 277, and 278 of an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon, and to provide for the election of Township Assessors, and to prescribe their duties," have directed me to return the same back to the Senate with a recommendation that it lie on the table for the reason that the Senate has already disposed of the matters involved therein.

Was placed on the calendar.

Mr. Harney from the Committee on Finance made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 228, entitled "An act to repeal all acts authorizing the appropriation of money out of the State Treasury for the use of the State University, located at Bloomington, Monroe county," have had the same under consideration, and after mature deliberation have directed me to report the bill back to the Senate with a recommendation for its passage, and the further recommendation that an appropriation of the sum of \$8,000 per annum for the years 1875 and 1876 be inserted in the specific appropriation bill for the use of such University.

Was placed on the calendar.

Mr. Harney, from the Committee on Finance, to whom was referred Senate Bill No. 131, entitled "An act to repeal sections 272 and 273 of an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872, have directed me to return the same to the Senate with a recommendation that it lie upon the table for the reason that the Senate has already disposed of the matters involved therein.

Was placed on the calendar.

Mr. Bowman, from the Committee on Finance, to whom was referred Senate Bill No. 262, entitled "An act to amend sections 44 and 97 of an act entitled 'an act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,'" approved March 8, 1865, and declaring an emergency, have given such bill careful consideration and have directed me to report the same back to the Senate with a recommendation for its passage.

Was placed on the calendar.

Mr. Hough, from the Committee on Finance, made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 229, entitled "An act to provide for the valuation and assessment of real and personal property and the collection of taxes in the State of Indiana, and other matters connected therewith," approved June 21, 1852, have given such bill careful consideration, and have directed me to return the same back to the Senate with a recommendation that it be indefinitely postponed.

Was placed on the calendar.

Mr. Friedley of Scott, from the Committee on Finance, made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 247, entitled "A bill to provide for the repayment of certain soldiers bounties erroneously paid into the State treasury fund of estates without heirs and converted into the school fund," have had the same under consideration, and have directed me to report the same back to the Senate with a recommendation that it lie upon the table.

Was placed on the calendar.

Mr. Beardsley, from the Committee on Finance, made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 135, entitled "A bill for an act to repeal the eighth section of an act supplementary and amendatory of an act entitled 'an act to provide for a uniform assessment of property and for the collection and return of taxes thereon,' " approved December 21, 1872, and approved March, 8, 1873, have had the same under consideration, and have directed me to report the same back to the Senate with a recommendation that it be indefinitely postponed.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 192, a bill to provide for the election of a reporter of the Supreme Court, for the speedy publication of the decisions of such court, and for the compensation of such reporter, have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 283, a bill to authorize the correction of mistakes in deeds of conveyance and the records thereof, have had the same under consideration, and I am directed by a majority of the committee to report the same back to the Senate with the recommendation that it lie on the table.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

Your Committee on Judiciary, to whom was referred Senate Bill No. 104, a bill to provide for speedy collection of money due to laborers for labor performed by them for their employers, have had the same under consideration and a majority of the Committee have directed me to report the bill back to the Senate with the recommendation that the same be indefinitely postponed.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 113, a bill to amend section 219 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and am directed by a majority of the committee to report the same back to the Senate with the recommendation that the same do lie on the table.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The committee on Judiciary, to whom was referred Senate Bill No. 244, a bill authorizing the appointment of short-hand reporters for certain courts of record in this State, in counties containing a population of 10,000 or more, and prescribing duties of such reporters, have had the same under consideration, and I am directed

by a majority of the committee to report the same back to the Senate with the recommendation that it lay on the table.

Was placed on the calendar.

Mr. Bell, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 11, being an act declaring it to be unlawful to deprive certain employees of any railroad company of the benefits of the exemption laws of this State by attachment and garnishment proceedings in another State, etc., and also Petition No. 6 relating to the subject matter of said bill, have had both under consideration, and a majority of the committee have directed me to return the same with the recommendation that both bills and petitions be indefinitely postponed.

Was placed on the calendar.

Mr. Bell, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 42, being an act to provide for the redemption of personal property sold for taxes, have had the bill under consideration and have directed me to report the same with their recommendation that the following amendments thereto be made, and that when so amended it do pass, viz. : Amend section 1 to read as follows, to-wit :

1. That whenever personal property shall be sold by any County Treasurer for non-payment of taxes, the owner of said property, his widow, heirs, or personal representatives, shall be entitled to redeem the same by paying to the purchaser thereof within thirty days after the sale thereof the amount for which said property was sold, together with penalties as follows, to wit : " When the amount for which said property is sold is twenty-five dollars, or less, twenty per cent. penalty ; over twenty-five and less than fifty dollars, twenty-five per cent. penalty ; over fifty and less than one hundred dollars,

twenty per cent. penalty; one hundred dollars and over, fifteen per cent.

2. Amend section two by striking out the words "ten per centum," and in lieu thereof insert the words "the amount of the penalty as provided in the first section of this act."

3. Strike out the third section of the bill.

Was placed on the calendar.

Mr. Peed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 212, being an act entitled "An act to authorize the judges of Criminal Courts in this State to issue writs of *habeas corpus*, have had the same under consideration and direct me to report said bill back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Peed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 62, being an act entitled "An act to amend section 77 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, etc.," have had the same under consideration, and a majority of said committee have directed me to report the same back to the Senate with the recommendation that the bill do lie on the table.

Was placed on the calendar.

Mr. Peed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT :

The Committee on Judiciary to whom was referred Senate Bill No. 203, being an act to amend section 48 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the counties of this State," approved June 17, 1852, have had the same under consideration, and direct me to report the same back to the Senate with the following amendment, to wit: in line two of the section sought to be amended insert the word "time," and when so amended they recommend the passage of the bill.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 230, a bill to amend the tenth section of an act entitled "An act providing for voluntary shipments of personal and real property in trust for the benefit of creditors, and regulating the mode of administration of the same," approved March 5, 1859, have had the same under consideration and a majority of the Committee have instructed me to report the same back to the Senate with the following amendments :

Section one, line sixteen, strike out the word "at," and insert in lieu thereof the word "payable." Same section, line twenty-three, strike out the word "any," and insert the words "on like petition of a creditor," or in the same line after the word "assignor," insert the words "for good cause shown," and when so amended recommend the passage thereof.

Was placed on the calendar.

Mr. Boone, from the same Committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred House Bill No. 196, a bill to amend section 26 of an act entitled "An act pro-

viding for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, have had the same under consideration and a majority of said committee have instructed me to report the same back to the Senate with a recommendation that the same be laid upon the table.

Was placed on the calendar.

Mr. Boone, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 156, an act to amend section 18 of an act entitled "An act concerning the partition of lands," approved May 20, 1852, have had the same under consideration and a majority of said committee have instructed me to report the same back to the Senate with the recommendation that the same lie on the table.

Was placed on the calendar.

Mr. Boone, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was recommitted, with pending amendments, Senate Bill No. 179, a bill regulating the number of grand jurors and the manner of their selection, and defining their jurisdiction, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate with the following amendments: In section 1, line 5, strike out the word "six" and insert in lieu thereof the word "thirty." Same section, line 23, after the word "court" add the words "or of the terms of the criminal circuit court for the ensuing six months commencing with the first of the month next ensuing." Same section, line 24, strike out the words "six additional" and insert in lieu thereof the word "thirty." After the word "names" add the words "with the qualifications and selected as above required." Same section, line 31, after "court" insert the words "or of the terms of the criminal circuit courts from and after

the expiration of the six months above provided for," and when so amended recommend its passage.

Was placed on the calendar.

Mr. Boone, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 100, a bill in relation to orders issued by cities upon their treasuries, and providing for the presentation, redemption and order of payment of the same, have had the same under consideration and a majority of said committee have instructed me to report the same back to the Senate with the following amendments: Amend in sixth line, first page, after the word "presented," insert the words, "whether endorsed or not as hereinafter stated in this act." Strike out of the seventh and eighth line, same section, the words "collected and." Strike out of eighth and ninth line, same section, the words "general purposes," and insert in lieu thereof the words "that purpose." Strike out all from the word "same," tenth line, to the word "if," in the 12th line, same section. Strike out all after the word "repealed," twenty-seventh line, second page, to the end of the bill, and when so amended recommend its passage.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred House Bill No. 79, a bill to amend section 83 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, have had the same under consideration and a majority of said committee have instructed me to report the same back to the Senate with the recommendation that the same lie upon the table.

Was placed on the calendar.

Mr. Johnson of Floyd, from the Committee on Education, made the following report :

MR. PRESIDENT :

Your Committee on Education, to whom was referred House Bill No. 67, entitled "An act to authorize a change of name and style of certain educational institutions organized under any special charter in this State, and declaring an emergency," have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the same be amended by striking out the words "and style" wherever they may occur therein, and that when so amended the bill do pass.

Was placed on the calendar.

Mr. Bunyan, from the Committee on Banks, made the following report:

MR. PRESIDENT :

Your Committee on Banks, to whom was referred Senate Bill No. 221, entitled "A bill prohibiting the loaning or depositing of public money, by State or County Treasurers, and the receiving thereof by banks, bankers, brokers, loan agents and other institutions or persons, and prescribing penalties," have had the same under consideration and direct me to report the bill back to the Senate, recommending that it be indefinitely postponed.

Was placed on the calendar.

Mr. Givan, from the Committee on Phraseology and Arrangement of Bills, to whom was referred Senate Bill No. 157, entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, etc.," have examined the same and find said act correctly engrossed.

Mr. Gooding, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred

House Bill No. 26, a bill relating to and prescribing some of the duties and liabilities of the clerks of the several courts of this State, repealing all laws in conflict herewith, and declaring an emergency, have had the same under consideration and direct me to report the same back with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Gooding, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate Bill No. 191, an act supplemental to an act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of judges thereof," approved February 15, 1871, have had the same under consideration and direct me to report the same back with the recommendation that it do pass.

Was placed on the calendar.

Mr. Hackleman, from the Committee on Federal Relations, made the following report :

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred Joint Resolution No. 6, requesting Congress to favor the improvement of the Ohio river, have had the same under consideration, and direct me to report the same back with the recommendation that the same be amended by inserting the words "and Wabash" after the word "Ohio" whenever the same may occur, and that the same do pass.

Was placed on the calendar.

Mr. Haworth, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 171, entitled "A bill to amend the

1st, 2d and 3d sections of an act entitled "an act regulating the sale of county property and the letting of buildings and bridges, fences and monuments, and declaring an emergency," approved December 23, 1872, have examined the same, and have instructed me to report the same back to the Senate with the recommendation that it pass.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 260, a bill declaring animals of the dog kind personal property, defining the rights of ownership in them and making provisions for the recovery of the possession and for the value of such animals at law, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that the same be referred to the Committee on Judiciary.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 184, a bill defining the misdemeanor of keeping houses of ill fame, the renting and leasing of property to be used as a house of ill fame, and prescribing certain rules of evidence in prosecutions of such offences, have had the same under consideration, and have directed me to report the following substitute for said bill, and to recommend the passage of the substitute.

SUBSTITUTE BILL.

Senate Bill No. 184. A bill defining the misdemeanor of keeping houses of ill fame, the renting and leasing property to be used as a house of ill fame and providing penalties therefor.

Was read a first time.

Mr. Stockslager, from the same committee, made the following report :

MR. PRESIDENT :

Your Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 87, being an act providing for the erection of fish ladders in the rivers of this State, have had the same under consideration, and have directed me to report the same back with the following amendment, to-wit: Strike out the third section of said act, and when the same is so amended they recommend its passage.

Was placed on the calendar.

Mr. Johnston of Parke, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 116, a bill to establish a State Board of Health, to provide for the appointment of a Superintendent of Vital Statistics, and to assign certain duties to local boards of health, have had the same under consideration and direct me to report the same back to the Senate without any recommendation from the committee.

Was placed on the calendar.

Mr. Johnston of Parke, from the same Committee, made the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of

the State, to whom was referred House Bill No. 132, a bill to prevent the indiscriminate shooting into the roostings and nestings of wild pigeons, have had the same under consideration and direct me to report the same back to the Senate with a recommendation that it do pass.

Was placed on the calendar.

Mr. Gooding, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate Bill No. 252, a bill to establish a Superior Court in the county of Tippecanoe, its jurisdiction, providing for the election and compensation of the judge thereof, to abolish the Criminal Court of said county, and transferring its business to the Circuit Court thereof, have had the same under consideration and direct me to return the same with the recommendation that it do pass.

Mr. Hough, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House Bill No. 101, entitled "An act to regulate public warehouses and warehousing and inspecting and mixing grain, etc.," have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the same be amended as follows :

1st. Amend the title by striking out the phrase "by the law merchant."

2d. Amend section 4 by adding the following proviso thereto :

Provided, however, That nothing in this section shall be so construed as to require any warehouseman or warehouse company to issue a duplicate or substituted receipt unless sufficient and satisfactory evidence of the loss of the original is provided, and unless good and sufficient security and indemnity against liability in the original receipt shall be given.

3d. Amend section 14 by striking out the words "by the law merchant." Also by inserting after the word "another," in line 13, the following: "And every endorser or transferee of such receipt may in like manner and with like effect negotiate and transfer the same by endorsement to the order of another, or in blank or by delivery under a prior endorsement in blank, every such endorsement shall be deemed to be a warranty that the indorser has good title and lawful authority to sell the property named in such receipt. No sale of grain in store which is not evidence or accompanied by a transfer of the warehouse receipt given therefor shall be valid as against the *bona fide* holder of such receipt," and that when so amended that the bill do pass.

Was placed on the calendar.

Mr. Beardsley, from the Committee on Finance, made the following report:

MR. PRESIDENT:

Your Committee on Finance, to whom was referred Senate Bill No. 248, entitled "An act defining the duties of County and Township Assessors and County and State Boards of Equalization in certain cases, and prescribing the manner of determining the value of property of incorporated manufacturing and mining and other incorporated companies for taxation, and declaring an emergency," have given said bill careful consideration, and have directed me to return the same back to the Senate with the following amendments thereto: Amend the bill by inserting after the word "the," in line 6, the words "personal and real." And amend the bill by striking out after the word "mining," in the eighth line thereof, the words "and other incorporated." And also amend by inserting after the word "shall," in line 11, the word "not," and when so amended your committee recommend the passage of the bill.

Was placed on the calendar.

By unanimous consent the order of business was suspended and Senate Bill No. 252 was taken up.

Mr. LaRue moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a second time by title and a third time by sections now.

The ayes and noes being taken under the rule.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Scott, Gooding, Hackleman, Haworth, Henderson, Hendricks, Hough, Howard, Johnston of Parke, LaRue, Neff, Oliver, Ringo, Roe, Sarnighausen, Scott, Skinner, Smith, Stockslager, Tobin, Underwood, Wilson and Winterbotham—36.

Those who voted in the negative were,

Messrs. Givan, Harney, Johnson of Floyd, Maxwell, Peed and Slater—6.

So the constitutional rule was suspended, and Senate Bill No. 252, a bill to establish a Superior Court in the county of Tippecanoe, defining its jurisdiction, providing for the election and compensation of the judges thereof, to abolish the Criminal Court of said county and transferring its business to the Circuit Court thereof.

Was read a second time by title and the report of the Committee on Organization of Courts concurred in, bill considered engrossed and read a third time now by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Bell, Chapman, Daggy, Davidson, Gooding, Hackleman, Haworth, Hendricks, Johnson of Floyd, Johnston of Parke, LaRue, Neff, Oliver, Ringo, Roe, Sarnighausen, Scott, Skinner, Stockslager, Tobin, Underwood and Winterbotham—24.

Those who voted in the negative were,

Messrs. Boone, Bowman, Bunyan, Cardwell, Culbertson, Friedley of Scott, Givan, Harney, Hough, Peed and Slater—12.

So the bill failed to pass for the want of a constitutional majority.

Leave of absence was granted the Committee on Education for to-morrow.

Mr. Winterbotham moved to suspend the order of business and take up Senate Bill No. 157.

Which was agreed to.

Mr. Winterbotham moved to suspend the constitutional rule requiring bills to be read on three several days, that the bill may be read a second time by title and a third time by sections, now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Scott, Givan, Gooding, Hackleman, Harney, Haworth, Hendricks, Hough, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Maxwell, Neff, Peed, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Smith, Stockslager, Tobin, Underwood, and Winterbotham—39.

No Senator voting in the negative.

So the constitutional rule was suspended and Senate Bill No. 151, an act to authorize incorporated cities in this State to construct, extend, widen, deepen, repair and otherwise improve harbors, and for that purpose condemn the lands of persons through or adjoining which such harbors may run, and to assess damages and benefits against adjoining land owners.

Was read a second time by title, the report of the Committee on Corporations concurred in, the bill considered engrossed and read a third time by sections now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Davidson,

Friedley of Scott, Givan, Gooding, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Maxwell, Neff, Oliver, Peed, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Smith, Stockslager, Thompson, Tobin, Underwood and Winterbotham—41.

Mr. Cree voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Mr. Neff moved to suspend the order of business and take up Engrossed House Bills on first reading.

Which was agreed to.

ENGROSSED HOUSE BILLS ON FIRST READING.

House Bill No. 111. A bill defining grave robbing, and prescribing punishment therefor, and declaring an emergency.

Was read a first time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Engrossed House Bill No. 183. An act authorizing incorporated cities to reform and change their boundary lines so as to exclude therefrom suburban lots or tracts of land, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 174. An act to regulate and license the sale of spiritous, vinous and malt liquors, to prohibit the adulteration of liquor, to limit the license fee to be charged by cities and towns, to repeal all former laws regulating the sale of intoxicating

liquors, and all laws and parts of laws coming in conflict with the provisions of this act, and providing penalties for the violation thereof, and declaring an emergency.

Was read a first time and referred to the Committee on Temperance.

Engrossed House Bill No. 204. A bill providing for the relief of persons bound as surety on contract in writing for the payment of money.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 99. A bill to amend section 1 of an act entitled "An act to provide compensation to owners of animals killed or injured by the cars, locomotives or other carriages of any railroad company in the State, and to enforce the collection of judgment rendered on account of the same, and to repeal all laws inconsistent therewith."

Was read a first time and referred to the Committee on Railroads.

INTRODUCTION OF NEW BILLS.

Mr. Scott introduced

Senate Bill No. 267. An act relating to the International Exposition of 1876.

Was read a first time and referred to the Committee on Agriculture.

Mr. Beardsley introduced

Senate Bill No. 268. A bill to provide for the Public Printing and Binding.

Was read a first time and referred to the Committee on Printing.

Mr. Friedley of Scott, introduced

Senate Bill No. 269. An act to amend section 71 of an act entitled "An act dividing the State into counties, defining their

boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, February 8, 1875.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Bell introduced

Senate Bill No. 270. A bill in relation to married women engaged in trade, and fixing their liability.

Was read a first time and referred to the Committee on Judiciary.

Mr. Harney introduced

Senate Bill No. 271. An act amending section 2 of an act entitled "An act supplemental to an act to authorize aid in the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved August 12, 1869, approved January 30, 1873.

Was read a first time and referred to the Committee on Railroads.

Mr. Winterbotham introduced

Senate Bill No. 272. An act providing for the organization and government of the State Prisons, and for the appointment of a Board of Commissioners to have charge of the same.

Was read a first time and referred to the Committee on Prisons.

Mr. Skinner introduced

Senate Bill No. 273. A bill to authorize the formation of new counties and to repeal all laws inconsistent therewith.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Beardsley introduced

Senate Bill No. 274. A bill for an act to repeal section two of an act entitled "An act to secure dues from private corporations and

to extend their immunities to all citizens who may organize on the same terms," approved February 25, 1859.

Was read a first time and referred to the Committee on Judiciary.

Mr. Bell introduced

Senate Bill No. 275. A bill providing for the assessment and collection of taxes on bank stock in the county and township in which the stockholder resides, to provide for collecting the taxes of 1874 in the county where the holder of such stock resides, repealing all laws now in force inconsistent with this act, and declaring an emergency.

Was read a first time and referred to the Committee on Banks and Banking.

Mr. Skinner introduced

Senate Bill No. 276. An act to provide for the appointment of a Fish Commissioner in the State of Indiana, defining his duties, fixing his salary, and declaring an emergency.

Was read a first time and referred to Committee on Rights and Privileges of the Inhabitants of the State.

On motion of Mr. Haworth, the Senate adjourned until to-morrow at 10 o'clock a. m.

LEONIDAS SEXTON,
President of the Senate.

TUESDAY MORNING.

FEBRUARY 9, 1875, 10 O'CLOCK.

The Senate was called to order by the Assistant Secretary, and, on motion by Mr. Friedley of Lawrence, Mr. Peed took the chair.

The Throne of Grace was addressed by the Rev. Dr. De La Matyr, of Roberts Park M. E. Church.

Journal of yesterday read and approved.

Mr. Smith, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills, to whom was referred engrossed Senate amendment to House Bill No. 3, have carefully compared the same and find it correctly engrossed,

Mr. Daggy, from the Committee on Elections, made the following majority report :

The Committee on Elections have under consideration the case of William Jeffries, Contestor vs. William Baxter, Contestee, and a majority of said committee report as follows :

The contestor claims the right of a seat in the Senate of this State, and charges that the contestee, the present occupant, is not entitled thereto, and states as his grounds of contest :

1st. That the Board of Election at the last October election, at the first precinct, in Wayne township, in Wayne county, were guilty of malconduct and irregularity in the conduct of said election, as follows : "In refusing to count to and for said contestor one vote and ballot written in the name of 'Suffries,' but which was intended for said contestor for said office of State Senator, and in failing and refusing to count, tally and credit seven ballots cast for said contestor at said precinct, for said office of Senator."

3d. That the Board of Election at the second precinct, in said township, improperly and irregularly counted one of two ballots folded together for said contestee, and finally that the contestor received a majority of three legal votes for said office of State Senator in said county of Wayne.

It might with propriety, and for strong legal reasons be inserted, that the grounds of contest are insufficient, and that the facts as to the number of votes should be stated, and not leave the result, to

inference only, as the contestor has done, by the simple allegation that he received a majority of three legal votes in said county for said office, but the majority of the committee are not inclined to trammel themselves by merely discriminating rules of interpreting and testing the technical completeness of the complaint.

The vital force and effect of the evidence is not thus to be surrounded. Where enough has been alleged perhaps to give the adverse party to understand the nature and import of the charge which he is called upon to answer, the will of the majority of the voters in said county is a matter to be consulted more than subtle discriminations, which might defeat such will of the majority. We submit the facts to the candid consideration of the Senate. The returns of the board of canvassers of said county, as duly certified by the Clerk of the Circuit Court of said county, and about which there is no controversy, show that the contestee received in said county for Senator 3,494 votes, and that contestor for same office, 3,489 votes, thereby giving contestee a majority of five votes for said office, and the same being presumptively correct he was declared duly elected to said office for the term of four years from and after said election, held on the 13th day of October, 1874. Is this result and annunciation in fact, under consideration, and has the contestor shown that it is not correct? In investigating the facts as they appear in evidence, but one conclusion can be reached and maintained with any degree of consistency and protection to the purity of the ballot-box. The grounds of contest above stated will be considered:

1st. As to the charge in third specification that the Board of Election in the second precinct gave to the contestee one vote in said precinct, which was folded up with another ballot and should not therefore have been counted to and for said contestee. This charge is silenced by the failure to give any evidence whatever in support of it. There is no controversy about it. All agree that there is no foundation for the charge, and therefore it is dismissed without any further comment.

4. As to first specification, that one vote and ballot with name "Suffries" was not but should have been counted to said contestor, we next consider. It will be observed that the contestor alleges in his written grounds of contest that the name of said ballot was written "Suffries." It certainly would be doing great violence to the rules of evidence to make this either mean or read "Jeffries," and

the contestor does not even claim that it does so read, but simply asserts that it was intended for him. The voter of this ballot is not produced. No ambiguity is alleged so as to subject it to any explanation by the introduction of extrinsic evidence. Nor could such evidence be introduced under any known or recognized rule. The ballot shows upon the face the name, and when so shown the controversy is at an end, and it may not be explained any further. Any other test or rule would open the door to frauds incalculable. We, therefore, arrive at the same conclusion that the Board of Judges at said election did: that this ballot cannot be counted for either the contestor or contestee; and that it was properly rejected, and so must it be rejected now.

3d. The second and only other specification in the ground of contest will be considered at greater length. It is charged by the contestor that seven ballots were voted and cast for him at said first precinct, but that the Board of Judges of said election refused to count the same for him; and to sustain this allegation he attempts to show that two ballots with his name were improperly registered by the Board of Judges of said election, when they should have been counted to and for him. These two tickets, or ballots, were folded together and fraudulently voted by one person as the Inspector and Judges of the election decided. They, therefore, had no power to do otherwise than reject both of them. 1st Gavin & Hord, page 311, section 27: "If two tickets are found purposely folded together they should both be rejected." The evidence of every witness who testified upon the subject sustains this view, and is conclusive. The majority of the committee concur in this. The contestor also claims that two ballots with the name of contestee erased and his surname written on the margin were wrongfully disallowed him when they were intended for him. The Board of Election, as shown by the evidence of the several members composing it, were not able to identify these two ballots, or tickets, as intended for said contestor, and therefore rejected them, we think the determination of the Board is presumptively true if not conclusive. "No tickets shall be lost for want of form if the Board of Judges can determine to their satisfaction the person voted for, and the office intended." 1st Gavin & Hord, page 311, section 27: It might be that with the evidence of the surroundings (and perhaps this is true in this case) that the presumption would arise that the name "Suffries" was intended for the contestor, but as the final result of

the case can not be affected by the determination of this fact either for or against the contestor, we will pursue it no longer. It will not be pretended that the contestor has shown a failure by the Board of Judges of said election to count for him a sufficient number of ballots and votes to change the general result of said election as declared by the Board of Canvassers, except by what is known and called the recount. The total vote for contestor in said county for said office as shown by the certified return of the Board of Canvassers is 3,494 votes, and for contestee 3,489, being a majority of five for said contestee. This, as before stated, is *prima facie* or presumptively correct, and must prevail until affirmatively and positively shown and proved incorrect.

The contest in this case is predicated upon the alleged irregularities and malconduct of the Board of Judges in said first precinct, and we now propose to review the evidence in regard thereto, to ascertain how far it falls short of sustaining such charge. The whole vote at said precinct shows 574 polls, and that the contestor received 316 of said number, and the contestee 171, and consequently that 27 votes at said precinct were for neither of the contestants, and as to them were blank. The Board of Judges and Clerks of the election at said precincts were Lewis Knopf, Inspector; Lewis M. Baxter, Judge; James M. Pal, Judge; James F. Elder, Clerk; Everett A. Ritchey, Clerk.

The names are therein given so that the evidence will be understood, and the latter applied as such of them, who are witnesses whose evidence was before the committee. The election was held on Tuesday, the 13th day of October, 1874, and the Board of Election finished, counting and certifying the results of said precinct on the 15th of the same month, about one o'clock in the morning. Afterwards, to-wit: On Tuesday, the 20th of same month, and just one week after the election, the persons above named, as the officers of said election, together with Robert O. Dormer and William H. Boradburg, at the office of Samuel A. Forkner, proceeded to recount the pretended polls, ballots and votes of the contestees at said precinct. By this recount it is claimed that the contestor had received at said precinct 323 votes, being 7 votes more than he received at the election as certified, and that the contestee received at said precinct 172 votes, being one more than he received at said election as certified, and thus in the final result in said county, giving to the contestor 3,496 votes, and that of the contestee 3,495 votes

being a majority of one for said contestor. This brings us to consider the validity, force and effect of the recount, and whether it can be sustained, or whether the official count shall be subordinated to the recount or whether it shall stand as paramount. To sustain the result shown by the pretended recount, two ballots with the name "Jeffries," were counted to and for him, but those two ballots are not produced, cannot be found, and the testimony of the witnesses who composed the Board of Election is contradictory as to whether there were such tickets or ballots. If there were such ballots there, they should have been found on the twine in the ballot box with the other ballots and made exhibits with the testimony of the custodian thereof, to-wit: Lewis Knopf, the Inspector, but if there were no such ballots, then they have been incorrectly counted for the contestor, and he failed to show a majority but actually makes it apparent that the contestee has a majority of one vote in said county. But it is also charged that at the recount, one ballot with the surname of contestee, Baxter, was counted for him, and thus again destroying his majority and leaving to each of the contestants an equal number of votes and without any majority to either of them, and, hence, no election; but whether there was such a ballot is a matter of doubt, as the evidence is contradictory upon the point.

The weight of evidence probably shows that there were *two* ballots with the surname of Jeffries, and *one* ballot with surname of Baxter on them. By the statute it is the duty of the inspector of elections to return to the clerk of the circuit court one poll book, tally sheet and certified return of the board of election, to be used by the board of canvassers, and then left on file with such clerk. The other poll book, tally paper and certified returns such inspector shall keep in his custody, together with the ballots.

The counting out of the votes, making the certificate and declaring the result of the election in said first precinct was not completed until Thursday morning, the 15th, about 1 o'clock, the ballots placed in the ballot box, the box locked by him, with ordinary key, which key was kept by such inspector, and was taken by him to his meat shop about 2 o'clock on the morning of the 15th and remained there until about 5 o'clock p. m. The inspector leaving the said ballot box at his meat shop at such early hour in the morning went to his residence and retired, and returned the next morning about 9 o'clock to his place of business, found the same open and two persons, his brother and clerk, in possession. He then went to

the meeting of the board of canvassers and remained there until evening, and about 5 o'clock p. m. took the ballot box to his residence, where it remained unopened until the time of the re-count on the 20th, and after the re-count, was again locked and by him kept until the day of taking his deposition on the 16th of November last.

In the statement we have given the inspector, Lewis Knopf, the benefit of his own evidence and here might be put the pertinent inquiry: "Why did not the inspector take the ballot box home with him that morning; why leave it at the meat shop?" At the re-count three ballots, the two folded together and the "Suffries" ticket, which had been rejected at the election, were again procured and one made exhibit "C," "E" and "F" with the evidence of Lewis Knopf, but the three ballots, two with the name of Wm. Baxter erased and the name Jeffries written on the margin, and the one with the name of Baxter are not produced, are not made exhibits. And why not? Because the inspector says he can not find them after a day's search for them. They had been rejected at the election, but were re-counted as if present at the re-count for Senator. These three ballots were counted to the other candidate and hence placed on the string with the other ballots at the election. No other ballots at the election except these three had been voted in the surname, and if they had they would also have been rejected. Why is it then that those three ballots can not be identified and produced by the inspector, who is the sole custodian of the ballots? Have they been removed or has the christian name been written on them so that they can not be identified? How is this condition to be accounted for? There is but one solution of the problem consistent with the developments made and that is that the ballots at the re-count were not the identical ballots cast and counted at the election; and this is not an impeachment of the judges and clerks of the election nor any insinuation against the character or standing of the contestants, and not even necessarily charging the inspector with improper motives or conduct.

Not a single witness identifies the ballots at the re-count as the same ones which were balloted and counted at the election, except the three tickets or ballots, two of which had been folded together, and the one written "Suffries." Inferentially the inspector, Lewis Knopf, says they are the same. In answer to questions 2, 3, and 4 of examination in chief, he says he was the inspector and since the

election has had the possession of the ballots, poll book, and tally papers of said precinct. In answer to questions 20, 21, 22, and 23, in his examination on the 19th of November, he says that he has had possession of all the ballots cast at said precinct at said election since they were first counted; that he had them in his dwelling house locked up in the parlor, except at re-count and at taking his deposition; that the ballots were strung on a twine as fast as they were counted, and after counted were tied up by one of the judges and put in the ballot box used to deposit the ballots in; that the box was locked and the key kept in his pocket to the day of taking his deposition in this case; that neither he or any one else to his knowledge, from the time he first locked them up, after the election board adjourned, until he took them to Forkner's office to re-count them, ever touched them.

In answer to questions 26 and 27 he says that the two ballots having the name "Jeffries" only on them he saw at the election, but did not see them any more from the time they were locked up till the time we recounted them." How far he is supported in this evidence by his cross-examination and the testimony of other witnesses, will appear as follows: In answer to questions 13, 14 and 15 on his cross-examination, he says that "immediately on the completion of the canvass I took the ballot box, unlocked, to our store that morning about 2 o'clock, and put it in the store in a place where no body could see it until I was through with the Board of Canvassers at Court House. Met the Board of Canvassers at 11 o'clock, a. m., and got there between 3 and 4 o'clock in the afternoon. After putting the ballot box in the store went home and went to bed and went to sleep. I told the clerk there is two boxes that I wanted he should keep his eyes on that no body should meddle with them, they were the ballot boxes and one of them had the ballots in." In answer to questions 86, 87, 88, 89, 90, 91 and 92 of cross-examination, he says "we sealed the top of the ballot-box where the tickets are put in the next day after we were through counting, Thursday, the 15th day of October, 1874, right after I found out the election was going to be contested in the forenoon of the 15th of October." In answer to question 50 of cross-examination he says, "that a copy of the poll book was left with him on the 17th of November, and that he compared it with original, which he had in his possession." In answer to questions 19, 20, 21 and 22 on cross-examination, Lewis M. Baxter, one of the judges of said election, says, "I saw the

tickets last the morning we finished counting out, about 1 o'clock, when I tied them up and put them in the ballot box. The ballot box was put into Mr. Knopf's possession on the same Thursday evening between sundown and dark. I saw the box at Mr. Knopf's meat store. Mr. Knopf opened the box and lifted out the tickets, took out the poll book and I signed the certificate on the poll book. The tickets and book were placed back in the box and locked up by Mr. Knopf. Don't know what was done with the box. The box was in the rear end of Knopf's meat store on the desk; Louis Knopf, myself and others present; next saw the tickets at Forkner's office at the re-count.

In answer to questions 26, 27, 28, 29, 30, 31, 32, 33 and 34, on cross-examination of Everett H. Richey, he testifies: "When the first counting was completed the tickets were put in the box again, the inspector took it; don't know where to, or what he done with it. The last I saw of it that night, it was under the inspector's arm. Saw the tickets again the next morning at Louis Knopf's butcher shop, southeast corner Main and Pearl street. Louis Knopf, Frank Elder and myself present. Knopf opened the box to show us that the tickets were there. He then closed the box, locked it and pasted a piece of paper over the opening in the box; we then wrote our names on the paper, Knopf lifted the tickets up and put them right back again. This was about 9 o'clock in the morning."

In answer to questions 21, 22, 23 and 24, of James F. Elder's cross-examination, he says: "He did not see the three tickets, (the two folded together and the one Suffries) at the first count. The first time I saw the two tickets folded together was just after the meeting of the Board of Canvassers. Mr. Knopf had the ballot box in his store. Thereafter he brought it from the meeting of the Board of Canvassers. He did not have these two tickets on the string. He put the tickets in the box with the tickets that were strung; this was about five o'clock, Thursday evening, October 15th, 1874."

The character of the testimony of Lewis Knopf, as shown by his own examination, as also by the evidence of the others, has been submitted for the purpose of showing how unsatisfactory and contradictory it is that the sanctity and purity of the ballot box, and the ballots in his hands are a fiction and a fraud. He was the legal custodian of both, and he was the only living person who had the absolute control of the matter, and it makes no difference for the purpose of this trial whether he was guilty of negligence only, or

whether there was intentional negligence and purpose on his part. Other inconsistencies of his testimony and its variance with others, might have been pointed out. We deem it unnecessary, as enough has been given to show how unreliable it is in establishing the validity of the recount; it shows that the ballot box and the ballots might have been tampered with, either with or without his knowledge. With a limited time for the examination of and the authorities, we only submit the following:

That officers of election, after their duties are discharged, are *functus officio* and therefore their subsequent acts or doings of no more force or validity than that of other persons of equal credibility. Reed vs. Julian, House Miscellaneous Contested Election, etc.; Ingerson vs. Berry, 14 Ohio State Rep., 325; People vs. Supervisors of Greene, 12 Barb., 217.

The tally sheets, there being no proof that they were not correct, must prevail. It is competent to overturn the return by proof but not without it. They stand alone unless overthrown by positive, not negative evidence. Follett vs. Delane, House Misc. Con. Elect., p. 120; Howard vs. Shields, 16 Ohio State R., 184.

The act of purpose, officers acting within the sphere of their duties, must be presumed correct unless shown to be otherwise. Goggin vs. Gilmore, Contest Election, 1834 to 1865 to 1870.

In the absence of anything to rebut it, the presumption must be in favor of the correctness of the returns kept by the officers of the election. Fraud is not to be presumed, is a maxim not only of the law but of common justice. The means of knowledge, the facilities for accuracy, the responsibilities for inattention and the responsibilities connected with the failure to discharge their duty, all unite to secure a credence to the acts of the officers which can not be justly accorded to the act of others, especially if those others be mere partizans. The legal presumption is always against the existence of fraud. Nothing but the most unequivocal evidence can destroy the correctness of official returns. Lettell vs. Robbins, Con. Elec. Cong., 1834 to 1865, p. 138.

Where it was alleged that there was a mistake in the original count, and upon reopening the boxes, the allegation was apparently substantiated, as the boxes had been for three months in an insecure position where they might have been tampered with, it was held that the recount should not overturn the original sworn statements. Kline vs. Verrell, Con. Election Case, 381.

The proof of these mistakes, all except one, consist in evidence of subsequent information, unofficial counts made at a considerable time after the election, etc. On examination of precedents it does not appear that this House favors the setting aside of official and formal counts, made with all the safeguards required by law on evidence, only on subsequent information and unofficial counts without such safeguard. No instance was cited at the hearing where the person entitled by official count was deprived of his seat by subsequent unofficial count, etc.—Gooding vs. Wilson, contested election 1872.

The majority of the Committee have, from the evidence and law as by them understood, arrived at the conclusion that the official count, made by the proper officers under the sanctity of their oaths and the penalties of the law, by authority of the law and strictly in conformity to law, without any adjournment, ticket by ticket, name by name, tally by tally, agreeing throughout, sustained by the corroborating testimony of every officer of the election and impeached by no evidence whatever, should not be set aside by an unofficial count of tickets unidentified, made by persons unauthorized by law, unqualified by oath, unrestrained by penalties, hostile to the contestee, friendly to the contestor, after an adjournment and so great a lapse of time with opportunities for fraud; and that therefore the said contestee, William Baxter, is the duly elected Senator for the county of Wayne, in the State of Indiana, for the term of four years from the time of said election held October, 1874, and therefore recommend the adoption of the accompanying resolution.

Resolved, That the Hon. William Baxter is entitled to the seat occupied by him as the Senator from the county of Wayne, in the State of Indiana, for and during a term of four years from the next day after the last general election in the State, held on the 13th day of October, 1874.

ADDISON DAGGY,
JAS. T. JOHNSTON,
ELIJAH HACKLEMAN,
WM. P. RHODES.

Mr. Givan, from the same committee made the following minority report :

MR. PRESIDENT :

The undersigned, members of your Committee on Elections, to whom was referred the case of Hon. William Jeffries, contestant against the Hon. William Baxter, contestee, in which the former contests the election and right of the latter to his seat in the Senate, as Senator from the county and district of Wayne. Not concurring in the conclusion arrived at by the majority thereof, in respect to that case, respectfully submit the following minority report in relation thereto :

The grounds of contest filed by Mr. Jeffries, embrace three, viz :

1st. The officers and board of judges of the election of the first precinct of Wayne county, were guilty of malconduct and irregularity in conducting said election, as follows, to-wit: In counting and tallying the ballots cast at said precinct, they failed and refused to count, tally and credit the contestant with one vote or ballot on which the name of William Baxter for State Senator, had been printed and erased, and the name of Jeffries written on the margin opposite the name of William Baxter, erased as aforesaid, the said ballot being intended as a vote for the contestant.

2d. The said officers, board of judges and clerks of said first precinct, were guilty of malconduct, irregularity and mistake in failing and refusing to count, tally and credit to the contestant seven ballots cast at said election at said precinct for him, for the office of State Senator, and that by means of such irregularity, mistake and malconduct, said seven votes were not counted and certified to said contestant for said office. There were two tickets with the name William Baxter, for State Senator, upon them, closely and evenly folded together, and in that manner deposited in the ballot box at the second precinct of said township, and the officers and board of judges of said precinct, through malconduct and irregularity, counted and certified one of said tickets to the contestee for the office of State Senator, and destroyed the companion ticket.

It is then averred that by reason of the aforesaid facts, the said officers and board of judges in said first and second precincts of Wayne township, by their malconduct, mistake, irregularity and

errors made, it appears that William Baxter, at said first precinct, received one hundred and seventy-one votes, and at said second precinct five hundred and forty-five votes, making an aggregate of seven hundred and sixteen votes, and that the said contestant received at said first precinct three hundred and sixteen votes, and at second precinct three hundred and ninety-seven votes for the office of State Senator, whereas, in truth and fact, said Baxter received only 544 legal votes at said second precinct and only 171 legal votes at said first precinct, making in all only 715 legal votes, while the contestant received 324 legal votes at the first precinct and 397 legal votes at the second precinct, making an aggregate of 721 legal votes for the office of State Senator, and on the entire vote for said office in said county, the contestor received three legal votes more than the contestee.

While it is conceded that these grounds of contest and specifications might have been drawn with greater art and more particularity, an examination of the statute on the subject, can not fail to satisfy any candid mind that they are sufficiently formal and particular to meet its requirements. Indeed, had they been even more general than they are, we are well satisfied that they would not have been obnoxious to objection for want of certainty and particularity in setting forth the grounds of contest. The statute specifies no more than four grounds for contesting an election. The last three have no relation to the fact relied on in the case before the Senate, for it is not pretended that the contestee is ineligible or that he has been convicted of an infamous crime or that he was declared elected by means of illegal votes. These grounds of contest being excluded, there remains but one other, namely: He was declared to be elected when he was not, by reason of the malconduct of the officers of some one or more of the precincts of the county.

It is not necessary, in our opinion, that such malconduct should be such as implies moral turpitude. It is sufficient if it be such as produces a wrong result, depriving the candidate who had a majority of all the legal votes given, of the certificate of election, and given it to one who had only a minority of such votes.

Now, no one can read the first and second specifications of the grounds of contest in this case and not perceive that when taken in connection with the conclusion, it is made very clear, if they be true, that by the malconduct of the officers and board of judges and clerks of the election at the first precinct of Wayne township, the

contestant was deprived of eight votes which would change the result of the election so that the contestee was declared elected when in fact he had less than a majority of all the legal votes cast in said county for Senator, while the contestant, with a majority of three of all the legal votes of the county, was denied the certificate of election to which he was justly entitled.

It is alleged that all this has resulted from a mistake. It was by the malconduct, irregularity, error and mistakes of the officers and board of judges and clerks of the said election at the first precinct of Wayne township in failing and refusing to count and certify to contestant *eight* legal votes which were meant and intended for him. It is difficult to conceive how any greater degree of certainty in these specifications could have aided the contestee to prepare his defence or the Senate to understand and apply the evidence to the allegation. Many precedents may be found in which a much less degree of certainty in the specifications of the grounds of contest have been held sufficient. These observations apply only to the first and second specifications. The third has been abandoned by the contestant who has offered no proof in support of it. It was not before the committee and is not before the Senate for its consideration. The case rests entirely upon the other two. The following cases, among others, fully support them as valid and sufficient grounds of contest. Thus in *Wright vs. Fuller*, it was held that where the grounds of contest was that contestee had been declared elected by count of illegal votes it was not necessary to state the names of the illegal voters 2 Contested Election Cases in Congress, 152. It was also held that the object of specifying the grounds of such contest was to prevent surprise being practiced on the sitting member. *Harris vs. Davis*, 2 Ind, 341 ; *Preston vs. Harris*, 2, 346. Where grounds of contest were not sufficiently practiced the contestant was allowed to specify really the grounds on which he relied. *Kline vs. Verree*, 2d, 381. In the case now before the Senate the proof has made grounds of contest perfectly apparent. Having settled the sufficiency of the grounds of contest, we desire in the next place briefly to state the object aimed at by the law governing all elections in this State. It is simply to secure the office to that candidate who at the election received the highest number of legal votes. It has provided certain machinery for the purpose of enabling those concerned to arrive at this result.

Part of this machinery is designed to reach it in the first instance.

This consists of the election board in the several townships and precincts and the board of canvassers in the several counties. These constitute the ordinary machinery of elections, and in a vast majority of instances, are sufficient and final, but they sometimes fail to accomplish the object of the law. The man who has not, is declared to have a majority of all the legal votes cast at such election for a given office, and is, consequently, declared elected, while he who is really elected is denied the fruits of his election. Such a result violates the law, and is both a private and a public wrong. The law does not tolerate it. It provides other and extraordinary means in such cases to correct the wrong which has resulted from the misconduct of its ordinary means for ascertaining the result of elections. It provides for contesting the election in such cases, for providing and establishing the truth in respect to the matter, and finally giving the office to the man who has received the greatest number of legal votes. So careful is the law of securing this result that it provides that no irregularity or misconduct of any member or officer of a board of judges or canvassers shall set aside the election of any person unless such irregularity or misconduct was such as to cause the contestee to be declared elected when he had not received the highest number of legal votes, nor shall any election be set aside for illegal votes, unless the number thereof given to the contestee if taken from him would reduce the number of his legal votes below the number of legal votes given to some other person for the same office. 1st Gavin & Hord, page 318, section 15. It results from construction of this section that whenever the irregularity or misconduct of such member or officer of a board of judges or canvassers shall be such as to cause the contestee to be declared elected when he has not received the highest number of legal votes, the election shall be set aside. This is clearly the meaning of the section as if it were written out in it at full length. It is, therefore, the purpose and intent of the law that the candidate who receives the highest number of legal votes for any office shall have that office without regard to declared results at any precinct or at all the precincts in the district in which he is to be elected, and the same is true equally of declared results by the county boards of canvassers. These results are *prima facie* correct. They are subject to be changed by reference to the factors that should enter into them and lead to them. If the factors do not lead to them, then it is but the work of calculation to overthrow them. If they do, still the factors

themselves may be composed of unreal, factors and so prove worthless upon examination. Thus the results of the election at the several precincts, as footed up by the election boards thereof, become the factors of the general results arrived at by the board of canvassers of a county, which result may be erroneous either because the additions are erroneously made by such board, or because the several election boards or some one or more of them may have made an error in addition or in not counting all the votes cast for a given candidate, or because more illegal votes may have been cast and counted for one candidate than another.

Now, we conceive that the object of contesting an election is to establish some error in the result of the election, as declared by the board of canvassers, adequate to show that the candidate who was declared elected, was, in fact, not elected, but that the contestant or some other person was elected, and it makes no difference whether the error, which may lead to a wrong result, took place in the first or last stage of the proceeding, whether in receiving one illegal or rejecting a legal vote, or in counting a vote given for a person, or failing to count one given for him. All those sources of error and wrong are plainly grounds for contesting an election, and yet they must all be regarded according to the statute under malconduct of an officer or member of the proper board of judges or canvassers. 1st Gavin & Hord, page 318, section 14. It is thus plain that the law authorizes us to go back through all declared results, whether general or special and local, in order to determine whether such general results are according to the facts of the case or whether they are not. If the decision of the board of canvassers in this case was wrong, it must not be permitted to stand in the way of the contestants. If the sitting member was elected, he must be sustained and maintained in the seat he now occupies; if he was not and his opponent was, then he ought not to be allowed to retain the seat, for it rightfully belongs to his opponent. In this case it is our duty to unseat him and give the seat he now occupies to his competitor. But before we can remove Mr. Baxter and give the seat he now holds to Mr. Jeffries, we ought to be satisfied that the former did not and the latter did receive the highest number of legal votes in Wayne county for the office of State Senator.

If the evidence so satisfies us, our duty is plain. The whole case therefore, resolves itself into the simple question, does the evidence in the case prove that Mr. Jeffries received the highest number of

votes cast at the October election, A. D. 1874, in Wayne county, for State Senator ?

Before proceeding to answer this question, it is proper that we should briefly advert to the care which the law manifests to preserve and give effect to all legal votes. It is expressly provided that no ticket shall be lost for want of form, if the judges can determine the person voted for and the office intended. 1st Gavin & Hord, page 300, section 27. It has been urged in this case before the committee, that no ticket should be counted unless it contained the name of the candidate in full, and proceedings in court have been cited in support of the proposition. But our election law has established a more liberal rule in consideration of the rights of suffrage. If the board can determine from the tickets the person intended to be voted for, it is sufficient for the purposes of the law. The law asks no more; the Senate is not even so limited in their means of inquiry, but may refer to other evidence. Hence, when it is proved, as in this case now before the Senate, that there are but two candidates for the office of State Senator in Wayne county, and that one of them was William C. Jeffries, we cannot be in doubt that a ticket containing the name Baxter or Jeffries, merely, for Senator, was intended for that Baxter or that Jeffries who was the candidate for Senator in that county. The tally papers and other documents in the case all show that there were but two candidates for the office of Senator at the last election in Wayne county, and that they were the contestant and contestee. With this evidence before us as it is, tickets with the surnames of the candidates upon them, merely, clearly indicates the person intended to be voted for, and ought to be counted as well as those that have the full name upon them, and this ought to be done upon this evidence, and by us, and when the board of election at the polls where such tickets were voted, might properly have refused to count them, for such board could not determine merely from the votes cast at their own poll, whether there was or was not other candidates for the same office, and having the surnames Baxter and Jeffries. But when the entire vote of the county was brought before the board of canvassers, and William Baxter and William C. Jeffries were found to be the only persons running for the office, the conclusion that tickets having the surname Baxter or Jeffries upon them for Senator, were intended for those who were candidates would be irresistible. And this is the case here. Under such circumstances we can determine the person voted for. Ticket canvassers can learn the intent of the voter only

from the ticket. They have no right to look to other evidence; but courts and juries are not so restricted.

They possess more ample means to determine any fact which is left in uncertainty. They can learn from testimony facts and circumstances which may lead to the irresistible bearing. The name of Baxter merely must be held to have been voted for William Baxter, contestee, and those voted for Jeffries merely to have been voted for William C. Jeffries, contestant. This view of the law of the case is fully supported by adjudged cases. It has been held that election boards, and even boards of conclusion, that votes in controversy were intended for one of the parties to the contest and for no other person. *The People ex. Rel. Yates vs. Furguson*, 8 Con., 102; *The People vs. Laman*, 5, Denio, Rep. 409; *The People vs. Cook*, se dens, Reps. 67. Now, the Senate is a court invested by the constitution with full authority to judge of election, qualifications and returns of its own members. Art. 4, Sec. 10.

I. In the case now before the Senate the proof shows that the whole number of votes in the county of Wayne for Senator, as estimated by the board of canvassers, was six thousand and nine hundred and eighty-three, (6,983,) and of those votes William Baxter received three thousand four hundred and ninety-four, (3,494,) and William C. Jeffries received three thousand four hundred and eighty-nine, (3,489.) It is not denied that this is the fair result from correct calculation by the board of canvassers of Wayne county of the tally papers returned by the several returning judges of the different precincts of the county. In other words, it is conceded by both parties to the contest before the Senate that if the tally papers of the several precincts as returned showed the result of the election thereat correctly, then the foregoing estimate of the board of canvassers correctly shows the result of the election for Senator in Wayne county. This result establishes the following propositions, namely:

1st. The whole number of votes cast for Senator in Wayne county was 6,983.

2d. They were all cast for the contestee and contestant as follows, to-wit:

A, for contestee	3,494
B, for contestant	3,489
Total.....	6,983

3d. And the contestee received five majority of all the votes cast, and is consequently entitled to the seat which he now occupies during the term for which he was elected. To overcome this result upon election returns it is therefore necessary that the evidence should show that there was some error in the tally papers from which it was decided by the board of canvassers, equal to or greater than the majority thus shown for Mr. Baxter.

II. It is further shown that among the returns which entered into the foregoing grounds, results were those of the first precinct of Wayne township, and that as received and estimated by the board of canvassers, they showed that the whole number of votes cast for Senator at said first precinct was four hundred and eighty-seven, and that of these votes the contestant received three hundred and sixteen, and the contestee one hundred and seventy-one, and that the contestant's majority at that precinct was one hundred and forty-five. Now, if this was the true result of the election at said precinct, then the foregoing general result is conceded by the contestant to be correct and the contestee to be rightfully seated. All the rest of the returns of said county are admitted to be correct. The entire contest turns upon the vote of that precinct.

III. It is denied, however, that the return from the first precinct of Wayne township is correct. The contestant maintaining that there was a mistake made against him in counting and estimating the vote in that precinct of a sufficient number to change the result. The whole number of votes cast at that poll was five hundred and fourteen. That there was cast thereat for Senator no more than four hundred and eighty-seven votes. That all these were cast for the contestee and the contestant. That of them the contestant received three hundred and sixteen. That the contestee received one hundred and seventy-one, and that consequently the contestant had a majority at that poll of one hundred and forty-five votes. Now, it has been already seen that this result was embodied in the final count of the board of canvassers, and that with it the contestee had in the entire county three thousand four hundred and eighty-four votes, and the contestant three thousand four hundred and eighty-nine, and that the majority of the contestee was five votes and no more. Assuming that the vote in every other precinct was correctly counted and returned to the board of canvassers, and correctly estimated by them, there will have to be found a mistake or error

in the first precinct of Wayne township against the contestant of at least six votes before he will be entitled to the seat occupied by the contestee. Such an error may have occurred in several ways, namely: 1st. By counting votes cast for the contestant for the contestee. 2d. By counting votes for the contestee that were not cast for any person for Senator. 3d. By omitting to count votes for the contestant that were cast for him. There being five hundred and fourteen votes given at that poll, it will be readily perceived that there is room for error in any and all of these ways. It might happen in the first case without there being any greater number of votes cast for Senator than shown by the poll books, and in the second and third by assuming that there was either a greater or less number of votes for Senator than shown by the poll books.

Now, the evidence shows that there was cast for Senator at that poll, a larger number of votes than was counted and registered on the tally papers thereof, and that of such number the contestant received eight votes while the contestee received but one vote. It thus appears that when these omitted votes are added to those shown by the poll book as returned, we shall have the following result: Thus for contestee: $171+1=172$, and for contestant, $316+8=324$, and so the majority for the contestant at the poll was 152 instead of 145. When this result in the precinct is substituted for that which entered into the calculation of the board of canvassers of the county it will be found that the contestant was elected by a majority of two votes.

The evidence adduced by the the contestant we think proves the foregoing error in the tally paper of the first precinct of Wayne township. A sworn copy of the tally papers shows that contestant was credited with 316 votes at that precinct, and contestee with 171 votes. This was the result of the first count immediately following the election, and completed on the forenoon of the 15th day of October, 1874. There were reasons why this count was not satisfactory. It occupied the election board of the precinct, according to the testimony, for more than forty hours consecutively. The clerks gave out and the inspector left his own duties to aid in performing theirs. At last he too gave out and was compelled to employ other clerks who were sworn in and assumed their duties as such without any provisions of law authorizing it. In this way, by this relay of clerks, the count was finally completed. Of course the clerks who made the poll books could only certify the result of the tally. There were intermediate stages between its beginning and close of which

they had no knowledge. It was scarcely possible, under such circumstances, to avoid mistakes and errors. They were not avoided as the evidence shows, for a second count made by the same inspector, judges and clerks, five days later, proved that eight undisputed votes for Senator had not been counted or credited to either candidate on the first count, and that of these votes the contestant received 7 and contestee 1, and that there were three other votes which the board rejected on both counts. One of these three is made part of the evidence and is testified to at least by five witnesses who fully identify it as the vote which was rejected by the board. It is exhibit "G" in contestants deposition, and known by its having the name of William Baxter erased upon it and "Suffries" written opposite to the erasure. The ticket is part of the evidence and we think, under the circumstances in proof, was clearly intended as a vote for Jeffries, the contestant.

The majority of the committee do not think so now. We respectfully request that the Senate may inspect it and thus be able to form an opinion from the evidence. This seems to be necessary, as no argument can so fully eliquidate the question at issue between the majority and ourselves as an inspection of the disputed ballot. should this ballot be held as a good vote for contestant then he will have a majority of two over his opponent. If, however, it should be rejected he will still have a majority of one vote. The evidence in regard to the two tickets folded together and both of which the board rejected, do not seem to us to entitle those tickets to a different treatment at the hand of the Senate. The re-count which revised the result of the senatorial election in Wayne county, and entitled the contestant to the seat occupied by the contestee in order to be entitled to produce that effect, must be such as to command the confidence of the Senate. In order to do this two things must concur, namely :

1st. The second count must have been careful and accurate.

2d. It must have embraced the identical ballots cast by the electors of the first precinct of Wayne township for Senator and no other.

1st. Was the second count carefully and accurately made? It is proven to have been done so by the inspector who describes the process in his answer to questions 33, 34, 35, 36 and 37 of his examination in chief if his statements are not shaken in his cross

examination, nor by any other evidence in the case. He identifies the tally papers of this count and swears to their accuracy. They show that contestant had 323 votes for Senator at that precinct, and contestee 172. This result substituted for the original return gives contestant 3,496 votes and the contestee 3,495, and it does not include the ballot with the name "Suffries" upon it.

The testimony of the judges and clerk strongly corroborates that of the inspector, both as to the care and accuracy with which the second count was made, and the result. Thus Lewis M. Baxter, one of the judges, in his answer to questions 9, 10 and 15, describes the second count, declares the inspectors called the names on the tickets correctly, and that the tickets were unstrung and strung by him, and corresponded with the tally papers of the last count precisely. James M. Poe, the other judge, swears that all the election board of the first precinct were present at the last count; that it was *carefully and cautiously* made, and that Jeffries had seven more than were credited to him on the first count. (See answer to questions 8 and 12.) Evert A. Richey, one of the clerks, testifies that he kept tally at the recount; that he thinks the count was correct, and that contestant had 323 votes at the precinct on that count, and contestee 172. The original election board were all present; the ticket with contestee's name erased and Jeffries' written opposite the erasure, was not counted. It is exhibit "C" in the evidence. (See answer to questions 3, 5 and 6 of his examination.) James F. Elder, the other clerk, testifies that there were *seven* more votes for contestant than on the first count, and one for contestee. The count was carefully made, and there were eight more votes for Senator than were counted on the first count—seven for Jeffries and one for Baxter. The second count rejected, exhibit "C," on which William Baxter's name for Senator is erased, and that of "Suffries" written. He repeats that the second count was careful and is correct. (See answers 4, 6, 7 and 10 of examination-in-chief.) Messrs. Dormer and Bradley were at the second count; were given full opportunity to witness its accuracy, and both testify that it was correct. (Dormer, deposition, answers 2 and 3. in-chief,) and Bradley's examination-in-chief.

These depositions leave no doubt in respect to the fairness and accuracy of the second count so far as the tickets therein in the ballot box were concerned. They leave just a little of its result upon the election of Senator. They prove that the contestee was not and that the contestant was elected Senator for the district

composed of Wayne county. But there still remains another question for discussion before this result can be fairly considered established. That question is—2d. Did the second count embrace the identical ballots cast by the electors of the first precinct of Wayne township for Senator and no others? To us it is plain, both on principal and precedent, that this question must be answered in the affirmative in the absence of express law or evidence on the subject. We should be constrained by principal to presume they were the same ballots, for to presume the contrary would be to presume fraud, but fraud is never to be presumed in the absence of proof and this holds good as well in election cases as in ordinary civil practice this is held in the case. Similar to this that the real presumption is always against the existence of fraud. *Little vs. Robins*, 1st Congressional Election Cases, page 138 A. But the argument in this case rests upon a more steadfast basis. The presumption of fair dealing and good faith on the part of the inspector in his dealings with this ballot box has its foundations in the express provision of the statute. Thus it is expressly provided that the certificates, poll books and tally papers forwarded to the board of canvassers shall be preserved by the clerk of the Circuit Court open to the inspection of any legal voter of the county or district. The other papers and ballots shall be kept by the inspectors for the term of six months, except when such election is contested, then they shall be preserved subject to the order of any court trying such contest until the same is determined. 1st *Gavin & Hord*, p. 312, section 39. Now, this section imposes a grave duty upon the inspector in respect to the ballots. It makes him their custodian. They are to be preserved by him as evidence of the votes cast at his precinct for six months in any event, and when a contest of the election in which they were cast takes place then they shall be preserved subject to the order of any court trying such contest until the same is determined.

The law presumes that every officer charged with a duty faithfully performs it until the contrary is proved. The Supreme Courts of Indiana have gone great lengths in supporting this presumption. Thus when a joint resolution of both Houses of the General Assembly require the Secretary of State to publish and circulate certain specified acts in advance of the laws of the session at which they were passed, that tribunal held so strongly in favor of this legal presumption that the officer did his duty as directed by the joint resolution, that they would not hear proof to the contrary. The

State ex rel. Browne, Prosecuting Attorney, etc., vs. Bailey et al. Indiana. There is no reason to deny the application of the same principle to the inspector of any election. In his case the law having imposed the duty, presumes its performance, at least until the contrary is clearly proved. Had there been no proof adduced on the part either of the contestee or contestant tending to prove the security of the ballot box of the first precinct of Wayne township against fraud, between the close of the first and the opening of the second count, the law would have required us to presume that it had not been tampered with, but the evidence adduced by the contestant reinforce the presumption of law, which is conclusive in the absence of proof to the contrary. It is shown that the tickets were strung on a twine string at the first count, that they were tied in a peculiar manner by one of the judges, that they were then placed in the ballot box, which was securely locked with a padlock, the key of which was placed in the inspector's pocket and carried there until the box was unlocked at the place and time of recounting the votes for Senator. That it was then unlocked in the presence of the board and the tickets showed to the judge who tied them on the twine, and his attention called to the fact that they were tied up just as he had tied them at the close of the first count. All this is sworn to by the inspector, corroborated by other members of the board as far as they knew anything about it, and contradicted by no witness. The evidence shows, indeed, that on the 15th day of October, after the first count was closed, the box was locked and left in the inspector's store, but some one was always in the store during its stay there, and yet there is no evidence that any person ever touched it while it was there. It was taken to his house by the inspector and placed in his private room on the evening of the same day and remained there until taken to the place of the second count for that purpose.

The inspector denies having ever tampered with it between the two counts or connived at the like in others. The whole evidence, therefore, adds force to the presumption of law. It is a much clearer case than that of *Sleeper vs. Rice* in Congress in 1862, and yet the House of Representatives sustained a re-count in that case which reversed the election, although seven days had elapsed between the two counts, the ballot box in the meantime having been in the custody of the clerk of the ward who testified that the tickets were precisely in the same condition as when tied up at the close of the polls; that he took them that night home with him and put them

in a trunk in a closet in his attic; that the trunk shut with a spring lock, the key remaining in the lock; that no person, to his knowledge, knew they were there but himself; that his family consisted of a wife, confined all this time to her bed with sickness, and an infant child, a nurse and an aunt, visiting the family, and himself. It is submitted that this case is not more clear than the case now before the Senate, and yet the committee of the House of Representatives in that case say the supposition that the ballots had been tampered with before the last count, in order to produce this result, involves not only the perjury of the clerk of the ward, but also the forgery of two papers in order to adapt them to the same purpose. Both the Committee on elections, in that case, and the House rejected such a conclusion, and held that the ballots had not in the meantime been tampered with, and as no one disputed that the second count was a fair one, the seat was awarded to Rice who had a majority of twenty-five votes on the second count, while Sleeper, who had a majority of thirty-two votes on the first count, was defeated in his contest. 2 Contested Election Cases in Congress, p. 472.

The House of Representatives went much further in case of Archer vs. Allen in allowing a re-count to set aside the original count. In that case the election was held in Illinois in November, 1854. The contestant notified the sitting member, on the 15th day of December after the election, that he should contest his right to a seat in the House, and claimed to have been himself duly elected thereto. The contest proceeded wholly upon the ground that the returns made by the returning officers were incorrect and that the poll books of the several counties in the district showed that the contestant was duly elected.

The ballot box involved in the contest with the ballots deposited therein was locked up and kept in the possession of the inspector until the 2d day of March, 1855, when a recount was made and upon the recount there was found to have been a mistake in the first count, whereby the contestee was declared elected when he was not. The House held this recount to be the correct result of the election, and held that expressly that when the judges of election had a recount of the votes after the election, and discovered a mistake, the supplementary return was entitled to be received, the presumption in such case being that the ballot box had not been interfered with, and upon this recount, made nearly four months after the election, vacated the seat occupied by Mr. Allen. 2 Contested Election

Cases in Congress, page 169. Authorities might be multiplied indefinitely, but these are deemed sufficient to establish our position, and in our judgment to leave no fair ground for refusing to admit the contestant to the seat now occupied by his opponent. This result is unavoidable from the evidence. All the witnesses, seven in number, present at the second count, unite in proving the accuracy of that count. There is no reason to believe that the ballot box had been tampered with after the first, before the second count. Such a supposition requires that it must have been unlocked and a portion of the tickets unstrung and others containing eight more names for Senator than the original tickets contained substituted for them. All this must be presumed in the absence of evidence tending to prove it, and in the face of the rule of law that fraud is never presumed in the absence of proof. But this change in the tickets on the string and in the box is to be presumed to have taken place in the absence of proof and without the production of any evidence tending to show that there was any change in respect to any one or all of the other candidates voted for at the first precinct of Wayne township. Such change would have almost inevitably resulted from the hurry incident to the perpetration of such a fraud, and if no such change had taken place in respect to other candidates then the state of the ballot would not have tended to impeach the validity of the tickets in the box at the second count. The contestee should not be heard to allege fraud without having advanced such proof as the ballots themselves might have furnished, and other sufficient proof to establish it by fair preponderance of the evidence. No such proof has been advanced, while the genuineness of the tickets counted at the second count stand, both in the evidence and in the presumption of the law, in favor of honesty and fair dealing with the ballot box and the tickets which it contains.

Much has been said before the committee about three tickets with only surname of the candidates upon them and the inspector's inability to produce as exhibit to his depositions, and it has been argued that the re-count was therefore erroneous; but whether such tickets were in the box or not at the first or second count is a matter of no earthly importance since all the officers of the election unite in testifying that the second count was careful, fair and accurate, and that at such re-count there were eight votes more for Senator than counted at the first count, seven of them being for the contestant and one of them for the contestee. This being the fair result of the last and accurate account it is of no consequence whether there were such

three tickets or not. The votes fairly counted and credited to the contestant and contestee give to the former a majority of one over the latter. This majority will be increased by one vote, provided the Senate, upon examination of exhibit "C," allows the same to be a good vote for the contestant. Without presenting a resume of the argument, we respectfully submit for adoption by the Senate the following resolution:

Resolved, That William Baxter is not entitled to the seat in the Senate which he now occupies as the Senator from the district composed of the county of Wayne.

Resolved, That William C. Jeffries is entitled and hereby declared to be the Senator from the district composed of the county of Wayne.

N. S. GIVAN,

J. H. WINTERBOTHAM,

D. D. DYKEMAN.

Mr. Harney moved that both the reports from the Committee on Elections be laid on the table and made the special order for Thursday next, ten o'clock, and that the Senate order that each, the contestor and contestee, have two hours to address the Senate, either by themselves or some other member, or by attorney, and after that the Senate shall come to a direct vote on the question.

Mr. Sleeth moved to amend the motion by striking out the word "attorney."

Mr. Hough offered the following resolution as a substitute:

Resolved, That the reports of the majority and minority of the Committee on Elections in the case of William C. Jeffries versus William Baxter be laid on the table and made the special order for 10 o'clock on next Tuesday.

Mr. Harney moved that the substitute do lie on the table.

Messrs. Friedley of Lawrence and Haworth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Harney, Henderson, Hendricks, Humphries, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager and Winterbotham—20.

Those who voted in the negative were,

Messrs. Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Lawrence, Fridley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Neff, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—21.

So the substitute was not laid on the table.

Mr. Bell offered the following amendment to the substitute :

Amend by adding that all discussion shall end and a direct vote be taken at ten o'clock on Wednesday unless sooner reached.

Which was agreed to.

The question recurring on the substitute of Mr. Hough, as amended,

It was agreed to.

Mr. Johnston of Parke moved that the Senate take a recess until 2 o'clock p. m.

Which was agreed to.

AFTERNOON SESSION.

Senate assembled, Mr. Peed in the chair.

Mr. Neff, from the Committee on Fees and Salaries, made the following report :

MR. PRESIDENT :

The Committee on Fees and Salaries, to whom was referred the

subject of the salary of the Governor, Attorney General and members of the General Assembly, have had the same under consideration, and the committee have directed me to report the following bill, and recommend its passage :

Senate Bill No. 277. A bill fixing the salary of the Governor and Attorney General, the per diem and mileage of the members of the General Assembly, and providing stationery and repealing former laws.

Was read a first time.

Mr. Daggy, from the Committee on Phraseology and Arrangement of Bills, made the following report:

MR. PRESIDENT :

Your committee has carefully examined Senate Bill No. 72, a bill to render taxation for school purposes uniform, and find the same correctly engrossed.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 156, being an act defining certain crimes, declaring the commission of abortion a felony, prescribing punishment therefor, and declaring an emergency.

Also, House Bill No. 238. An act to fix the time of holding Circuit Court in the Fourth Judicial Circuit, and declaring an emergency.

Also, Engrossed House Bill No. 89. An act to authorize the organization of boards of trade, and authorize commercial organization, defining their powers, prescribing their duties, and declaring an emergency.

Also, House Bill No. 97, being an act to amend section 136 of an act to revise, simplify and abridge the rules, practice and forms in civil cases in the courts of this State, to abolish distinct forms of action

at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

And said bills are herewith transmitted for the action of the Senate.

Message from the Governor by his Private Secretary :

MR. PRESIDENT :

By direction of the Governor I have the honor to inform the Senate that he has approved and signed Senate Enrolled Act No. 115, entitled "An act to provide for the sale of property held in trust in certain cases as therein provided," and that he has caused the same to be deposited in the office of the Secretary of State.

Also, the following message from the Governor by his Private Secretary :

MR. PRESIDENT :

By direction of the Governor I have the honor to transmit his communication in relation to the condition of the Wabash & Erie Canal, and the legal proceedings touching the same pending in the Circuit Court of the United States. A duplicate thereof will be transmitted to the House of Representatives.

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, February 9, 1875.

To the General Assembly :

On the 19th day of November, 1874, Johnathan K. Gapin, of the State of New York, in behalf of himself and all persons and corporations who are holders of any of the the canal stock issued by the State of Indiana in pursuance of the acts authorizing the same passed in 1846 and 1847, filed his bill in chancery in the Circuit Court of the United States for the District of Indiana, against the Board of Trustees of the Wabash and Erie Canal. In his bill of

complaint the complainant alleges that the whole amount now nominally due for principal and interest on the canal stocks issued pursuant to said laws is over sixteen million dollars, and that he is the owner and holder of \$575,606 thereof. The complainant prays that an account may be taken of the amount and classes and properties of said canal stock issued under said acts of 1846 and 1847, and of the amount now due for principal and interest upon all the classes thereof and the amount severally due to each of the owners and holders thereof, and also that an account be made of the transaction of the Board of Trustees showing the receipts and disbursements on account of the trust, and also that a statement and showing be made of the present condition of the trust fund.

The complainant in his bill further prays that the court shall take into hands and administer the canal and all else in the hands of the board of trustees in trust for the said stockholders, and that when the accounts are fully taken as prayed for the canal and its appurtenances and lands may be decreed to be sold in such manner and on such terms as the court may deem best for the interests of those entitled to share in the proceeds thereof. The complainant's prayer for relief is based upon the important averments that the board of trustees of the Wabash and Erie Canal hold the canal and its appurtenances in trust for the benefit of the holder of the said canal stock, and that the State, for divers reasons, has abandoned all her contingent interest in the canal; that the canal from Coal creek to Evansville has been wholly abandoned; and that because of the insolvency of the board of trustees the remaining 186 miles of the canal is greatly out of repair and rapidly falling into disuse and ruin, and for the want of means the board of trustees is unable to restore the same to a condition for profitable use, or to prevent its decay; that the holders of the canal stock have no security or pledge therefor except the said line of canal and that the same is rapidly deteriorating in value and becoming worthless to them and to the public; and that if the property be sold by order and decree of the court, and thus relieved of the disabilities that attach to it under the trust, it may be under the basis of credit and restored and made valuable to the purchaser and useful to the public, but that under the present management it will become of no value to the public or to the beneficiaries under the trust.

To that bill of complaint the board of trustees entered and approved, and on the 23d of December filed a demurrer. The question of the sufficiency of the bill in law and equity raised by

the demurrer, has been argued before the Hon. Thomas Drummond, the judge holding the court. I understand the court has overruled the demurrer and thereby held the bill of complaint sufficient in law and equity, and has given the defendant until the first of April to answer upon the facts. The result of the case can hardly be doubtful as the material facts averred touching the condition of the canal and the inability of the board to restore and maintain the same in good repair are substantially admitted by the board of trustees in their report. For your further information I herewith communicate a copy of the bill of complaint and demurrer.

The report of the board of trustees recently made indicates the understanding on their part that their work in the management of the canal is substantially ended. The State can not properly or safely take charge of it in its present condition for the reason that the trust technically remains. Aid might be given to keep the canal in manageable condition, and to supply the needed water power as under the act of February 14, 1873, or otherwise, but such relief is necessarily temporary and unavailable, and can not put it in such condition and under such permanent management as the public interest requires. Should the cause in court proceed to a final decree and sale thereon the property will then be relieved of the trust and provision can be made for its permanent improvement and maintenance, and should it thus come to be owned by a company organized under law for that purpose, the interests of such company will be in harmony with those of the public.

It will then be proper for the Legislature to consider what, if any aid should be given to the company by the State, or that portion of the State most directly interested. If put in good repair and under prudent management, the canal would be a competitor with the railroads touching its route for business, and would be a powerful check upon high charges for railroad transportation. The railroad companies might seek to defeat such a result. It is possible that they would combine to buy the canal at the judicial sale, for the purpose of controlling it in their interests, or suffering it to fall into decay and disuse. That would be a serious public loss. I am not of the opinion that such a purchase for such a purpose would be within the corporate powers of the railroad companies, and the court would probably not confirm such a sale. But I ask your attention to the question whether any legislation is necessary to prevent the possibility of such a result? I have instructed the Attorney General to give the pending cause such attention as the interest of the

people of the State may require. It is necessary for me to call attention to the importance of any question or measure that may possibly affect the continuance or usefulness of the canal.

Public attention has recently been given with great earnestness to the subject of the cost of transportation and the opinion has prevailed very extensively that the improvement and development of lines of water communication from the interior to the sea board gives the most reliable assurance of the cheap transportation of heavy and bulky products at a time when so much interest is expressed in the subject generally. The people of Indiana cannot be indifferent to the preservation of a canal already constructed from the coal region of the State and through a most productive portion thereof, and having a water connection with the lakes. The trustees in their report to the legislature have twice made the following statement :

“There is probably no one route that should attract more attention or that holds out greater inducements, or that would do more, if improved, to solve the problem of cheap transportation between the east and the west than the Wabash and Erie Canal, looking at its terminal points of Toledo at the head of Lake Erie in the east and Lafayette, Attica and Terre Haute, in the valley of the Wabash, in the west. The expenditure of a comparatively small sum of money, say \$500,000, would put this Canal from the one end to the other in good condition, and thus establish one of the most valuable water lines, for the transportation of freight, to be found within the United States of America.”

THOMAS A. HENDRICKS,

Governor.

DISTRICT OF INDIANA.

I, John D. Hewland, Clerk of the Circuit Court of the United States for the District of Indiana, do hereby certify that the attached papers are true copies of a bill filed in said court on the 19th of November, 1874, and a demurrer to said bill filed on the 23d of December, 1874 ; that appearance was duly entered to said bill ; that said demurrer was argued before Hon. Thomas Drummond, Judge of said court and remains under advisement and not decided.

Witness my hand and the seal of said court this 21st
[SEAL.] day of January, A. D. 1875.

J. D. HOWLAND, Clerk.

DISTRICT OF INDIANA.

I, Samuel H. Treat, Judge of the District Court of the United States for said district, do certify that at the date of the foregoing certificate, John D. Howland was and now is the Clerk of the Circuit Court of the United States for said district, and that his attestation aforesaid is in due form of law.

Witness my hand this 21st day of January, 1875.

S. H. TREAT.

UNITED STATES, DISTRICT OF INDIANA.

IN THE CIRCUIT COURT OF THE UNITED STATES,
DISTRICT OF INDIANA :

Jonathan K. Gapin vs. the Trustees of the Wabash & Erie Canal—in Chancery.

To the Honorable Judge of the Circuit Court of the United States, for the District of Indiana :

Jonathan K. Gapin, resident within the City of New York, and a citizen of the State of New York, on behalf of himself and all persons and corporations who are the holders of any of the canal stock issued by the State of Indiana, hereinafter specifically mentioned, brings this, his bill against the Board of Trustees of the Wabash & Erie Canal, a corporation created by and existing under the law of the State of Indiana, and having her officers and place of business in the city of Terre Haute, and State of Indiana, and humbly complaining, your orator shows that at and prior to January, 1846, the State of Indiana had outstanding and unpaid a large public debt, amounting to many millions of dollars, upon which debt the State was then unable to pay, and had made default to pay the interest for five years, and the State was at that time the owner of many thousand acres of land, which had been granted to the State by the United States, to aid the State in constructing the canal, hereafter more particularly mentioned, and the State was unable to complete said canal, and for the purpose of providing for the payment of the State debt, and for the completion of said canal, the General Assembly of the State of Indiana, passed an act, approved January 19, 1846, entitled "An act to provide for the

funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville;” and also passed another act, supplementary to said act, approved January 27, 1847.

By these two acts taken together, it was provided that each of the holders of the bonds of the State as might choose to do so, might surrender the bond or bonds held by them, and receive in exchange therefor two new certificates of stock, as they were called, each for one-half of the bond or bonds surrendered, and also receive two other certificates, called special stock, each for one-half of the arrears of interest between the 1st of January, 1841, and January 1, 1847, and one of the new certificates of stock so issued for one-half of the principal of the bond or bonds surrendered; and one of the certificate of special stock for one-half of the arrears of interest as aforesaid, should be paid by the State, and the other two certificates, one for one-half of the principal, and one for one-half of the arrears of interest, should be chargeable upon and paid out of the proceeds of said canal, its lands and revenues. And by said act it was also provided that the bond-holders, for the purpose of better securing the payment of that chargeable on the canal, might raise enough themselves, by private subscription upon the amount of bonds subscribed by each, the sum of eight hundred thousand dollars to complete the Wabash & Erie Canal to Evansville, and that the canal lands, and all the tolls and revenues of said canal, should be specially set apart and conveyed to said trustees, in trust and security, to reimburse to the said subscribers to said eight hundred thousand dollars, their subscriptions and advances to complete the canal, and to pay that part of the above mentioned stocks which were made chargeable upon the canal.

Your orator further shows that the defendant was, for the purpose of receiving such conveyance and for other purposes in the aforesaid acts mentioned and provided for, duly constituted under and in accordance with the authority given by the said acts. The proper officers of the State of Indiana did issue divers classes of Wabash and Erie Canal stocks, representing in part one-half of the principal and interest of the bonds surrendered by bondholders as aforesaid, and in part the money subscribed and advanced on account of said \$800,000 to complete the canal to Evansville, which stock as is required by the aforesaid act of 1847, recite on their face that the canal, its tolls, etc., are pledged to pay them.

Your orator further shows that on the 30th day of July, 1847, the State being as aforesaid, the sole owner of said canal, and of its

lands and appurtenances of every kind, did, in accordance with the provisions of said acts, by the Governor of the State, make and execute and deliver to said trustees, by the corporate name of board of trustees of the Wabash and Erie Canal, a deed for the bed of the Wabash and Erie Canal and its extensions, finished and to be finished from the Ohio State-line to Evansville, Indiana, including its bank margins, towpaths, sidecuts for their basins, right of locks, dams, water power and structures, and materials provided or collected for its construction, and all the property, right, title and interest of the State, in and for the same, with all its appurtenances, and also all lands and lots not then sold or disposed of, which had at that time been given, granted or donated by the United States to aid in the construction of said canal or any part thereof, or which might hereafter be assigned under, or by reason of any grant then existing, and all money then due and becoming due and remaining unpaid on account of any sales before that time made of any canal lands donated, and all money due or becoming due on account of any existing leases of any water power or other privileges on said canal, its sidecuts, feeders, basins, or other appurtenances to have and hold the same in trust and security for the use and purposes following, that is to say:

First. In payment of the work and labor and material or contracts for the shipping of work, labor or materials, then to be done in and about the further prosecution and construction of said canal and works until the same might be completed to Evansville.

Second. In payment of interest at the rate of six per cent. per annum on sums advanced to the trustees to complete the canal.

Third. In payment in full of the principal sums advanced to complete the canal.

Fourth. In payment in full to subscribers making the said advances, or to their assignees of interest at five per cent. on the moiety of the principle of the bonds, which they might surrender and exchange for certificates, with interest completed from January 1, 1847.

Fifth. In payment in full to the subscribers making said advances or their assignees, the principal of the special stock issued to them for arrears of interest as aforesaid, with interest completed from January 1, 1853.

Sixth. In payment in full to the subscribers making said advances, or to their assignees of the principal moneys secured by each certificate charged as aforesaid over against the canal lands and tolls and revenues.

Seventh. In payment in full to other holders of certificates of stocks by said act of 1847, directed to be issued and charged against said canal as aforesaid, (such holders not being subscribers to the said advance,) or their assignees, with interest at four per cent. per annum.

Eighth. In payment in full of the interest on special stocks issued for arrears of interest as aforesaid to holders or their assignees who were not subscribers to said advance fund at five per cent. complete from 1st of January, 1853.

Ninth. In payment in full of the last-named stock.

Tenth. To pay into the treasury of the State any surplus after making the several payments in the nine preceding classes mentioned.

Your orator further shows that on the day said deed was made as aforesaid, the said corporation accepted the same, and went into the possession and dominion of the property, by the said deed so conveyed, and thereby became vested with an equitable estate in the property so conveyed, not for the purpose of providing payment for the aforesaid scrip obligation, but for the purpose of completing said canal, and for the other purpose above mentioned and contained in the aforesaid two acts of the General Assembly of the State of Indiana. And the said corporation, by accepting said deed, became charged with each and every one of the trusts imposed by the said deed and said acts.

When the said defendant accepted the legal title to said property in trust, for the benefit of the holders of canal stocks, there had been finished 189 miles of the canal, being the portion between the Ohio State line and Coal Creek, and there remained to be finished by the said defendant with the means provided by the said act, 186 miles of said line of canal, being the portion between Coal Creek and Evansville, and it was in and by said act made the duty of the defendant to adopt and put in execution such plans and measures as should be deemed most expedient for the speedy completion of the canal to Evansville, within the period required by the act, and the terms of the grant from the United States.

And your orator shows that the estimated cost of completing the said canal at the said time was about \$2,000,000, and the means provided for such completion was the subscriptions or advance recited in the said acts, and as above stated of about 793,485 acres of lands in the Vincennes District, donated by the United States to be specifically applied to such completion.

About the year 1854 the said defendant had fully completed the said Wabash and Erie Canal to Evansville, and the said work was prosecuted upon land which was conveyed to said defendant, or was by it condemned under the eminent domain powers granted in the act of January 27, 1836, entitled "An act to provide for a general system of internal improvement," and subsequently vested in said defendant, and by virtue of which powers, and the said patent from the State, the defendant has held since 1853, and now holds the "fee simple" title to the entire canal bed for 375 miles, with its tow paths, feeders, basins, appurtenances and land grants in trust as aforesaid.

In consequence of inadequate water supply and the destruction, several times repeated, of the reservoirs or water basins in the portion of the canal south of Terre Haute, navigation was but feebly maintained on that part of the canal for about two years, and about the year 1860, in consequence of such disabilities, and the railway competition drawing off the traffic, the defendant, from want of means, was forced to and did abandon all further commerce and business on that portion of the canal south of Terre Haute, and for about ten years last past the water has been drawn from the bed on that portion, and the same has not been and can not be used as a public highway as contemplated in the said act and by the act of Congress aforesaid.

The annual five per cent. interest which it was contemplated by the said act to liquidate out of the net receipts of said canal would amount to about the sum of \$350,000. The highest gross revenue derived from the business of the canal was in the year 1852, when it reached \$193,400, and in the year 1859 the said defendant in the official report made by direction of law to the General Assembly, stated its inability to maintain navigation on any portion of the canal, and that it had made certain repairs and maintained contracts with divers citizens of the State of Indiana whereby such citizens agreed to advance their own money to the repair and protection of such work, and look to be reimbursed out of the tolls and revenues.

And your orator shows to the court that the present condition of the trust property, as to that portion of the canal south of Coal creek is now, and has been for about ten years practically abandoned, and for want of water supply and breaks and wastes, and has been and is daily wasting and going to destruction; that the portion of the canal in which navigation is maintained has been mainly kept up by the private advance made by the counties and towns through which it passes; that it is in bad repair and a large amount of expenditures should be made at once to render it convenient and reasonably fit for navigation. The revenues of the canal from navigation have dwindled to a sum which is utterly inadequate to even pay repairs and superintending expenses.

For the entire year of 1871, the gross collections from tolls and water rents being only about \$50,000, and for each year since the receipts have been greatly less than that sum, and are gradually becoming less each year.

The defendant is without means or assets to repair the work, or secure any large amount of business in any manner, and the communities which for some time assisted by donations to keep the eastern 186 miles of the canal open for business, have withdrawn all further money and donations, and decline to give any aid in keeping the canal in navigable order, and the defendant will therefore be wholly unable to keep up navigation on any portion of said canal and it will fall into disuse and ruin.

Your orator shows that in and by the report made by the defendant to the General Assembly of 1872, that it appears that the said trust is insolvent, that the work of completing the extension of said canal, and its yearly expenditures for repairs, renewal and superintendence, that the entire amount of the grants of land donated by the United States has been absorbed, and that the original amount in value of such land grants, there is now only left unsold lands to nominal appraised value of about \$50,000, which are, as your orator charges, the refuse of said grant, mainly unsaleable, of little commercial worth, and of no value whatever to assist in extricating the said defendant from its present embarrassment, or in putting the line of said work in order, so as to answer its purpose as a public highway, because by restrictions and limitations imposed on the said defendant by the said acts of 1846 and 1847, and also by virtue of the restraint of a certain writ of origination, issued out of the Circuit Court of the United States, for the District of Indiana, in the year 1860, at the suit of one John Furguson, the said Board

of Trustees of the Wabash and Erie Canal were prohibited from applying any of the proceeds of lands sold, or its assets other than tolls, to the repair of the canal, and said defendant, even if possessed of large means, is prohibited by the terms of said acts from investing any portion of its funds in the purchase of boats or equipments for use on said canal, and the developments, business and consequent increase of tolls and revenues.

And your orator shows that he is the owner and holder of stocks of the different classes designated by the said acts to the aggregate amount as to the principal thereof, \$575,600. A copy of one of said certificates of stock is filed herewith and your orator is ready and willing to produce on the hearing or otherwise, as the court may direct, all such stock certificates. No interest whatever has ever been paid on any of the stock certificates issued under said acts except those issued to subscribers to the \$800,000 advance made for the completion of the canal to Evansville. On this account certain payments have been from time to time made, but a large amount is still due even on said advance sum for the residue of the principal and accrued installments and the whole amount now nominally due for principal and interest on the canal stocks of your orator and other scrip holders amounts to over sixteen millions of dollars, and they have no security or pledge therefor except the line of canal which is rapidly deteriorating in value and becoming worthless to them and to the public.

The holders of said canal stocks are very numerous and are scattered all over the world and the most of them reside in England, Holland and Germany, and other foreign countries and their names are mainly unknown, and in consequence of the fact that the said holders are very numerous, scattered, unknown and foreign residents, the requirements of said acts that election of trustees shall be by a majority in number and value of such holders has become impossible of execution, and so it is that there has not been for about nine years past any election for trustees as required by the said act and the present elective members of said board hold over in their office because of the failure and impracticability to hold any new election, and your orator shows that it was the original design and intent and the sole object of said original and supplemental act to secure and perpetuate an adequate public highway through said State of Indiana from Evansville to the Ohio State line, and also by the pledge of what was then esteemed a most valuable and rapidly increasing revenue, to provide an adequate security for the

payment of one-half of the public debt of the State outstanding in 1846, with accrued interest on each moiety, together with stated interest thereafter, and at the creation of said trust it was the judgment of all therein concerned that the tolls and revenues of the said canal when completed would be more than sufficient to liquidate from time to time as they matured, the installments of interest, and yield such a surplus as to establish a sinking fund for the benefit of the State to enable her to extinguish and take up the principal sum represented by said canal stocks, and the State in and by the said acts, the State reserved an equity of redemption in the said canal, and the right to annul and determine in said trust by a payment of the principal of the certificates at any time after twenty years from the passage of the act of January 27, 1847.

But your orator shows that because said canal, by railway competition, casualties and diminished business, has been practically destroyed as a revenue producer, that the State has not exercised the option which was reserved in the said acts, but in the year 1857, by her General Assembly, declared that it was not the purpose of the State to exercise such right of redemption, and in the year 1873 the said State adopted an amendment to the constitution thereof by which the General Assembly is expressly prohibited in any manner or at any period from assuming or liquidating any portion of such canal stocks or taking control of the said canal as a public work of the State.

And your orator shows that it was intended by the said acts that the General Assembly of the State should, at all times, keep an adequate and satisfactory control over the said trust property and its management, and to that end it was provided that the State should always appoint one member of said board of trustees and should, by certain reports and examination of designated committees and officers, exercise a supervision over the revenues of said public work, in which the State had such residuary interest, as aforesaid, but also it is that in truth and in fact, although reports have been made from time to time by the defendant to the General Assembly, that the Committee of Ways and Means have not, for the past eighteen or twenty years, made any examination or reports thereof, nor has the State Auditor, during the period last aforesaid, made any such statement or exhibit of the conditions and working of said trust fund as by law required, or kept any account upon the public books of account of State, showing its condition as is by law required, nor has the said State Auditor, for the last eighteen years,

made any report to the General Assembly of the condition of the canal fund and canal lands, nor has the said defendant, from want of means, been able, for the past two years, to report their transactions to the subscribers half yearly as ordered by the said act.

Your orator shows that in and by the said acts it is provided that the said stock shall be assignable in New York only in books provided by the State, that by recent legislation abolishing the State agency in New York, and making no appropriations or provision for such transfer, office, or books or agent, that there is no means now left to the holders to transfer said stock, and that by reason of such matters that all the provisions of the acts touching the transfer and reissue of such stocks, has become impossible to execute, and the assignable character of such stocks has been utterly destroyed, and it is further required in execution of the compact between the State and the United States in that behalf, that when completed to Evansville, the said canal should thereafter be perpetually maintained to the use of the inhabitants of the State, and all other persons a public highway, free to the use of all commerce on the payment of reasonable tolls. And it was also recited in the said acts that the said defendant should at all times keep in repair proper bridge structures at public road crossings over the said canal.

And your orator shows that in consequence of the want of revenue and its insolvency aforesaid, the said defendant is now and for the past thirteen years and more has been disabled and prevented from maintaining such public highway, and such road crossings, to the great damage of your orator and all other holders of such canal stock and also of the people of the State, and great risk is hazarded if such state of affairs continue, that such forfeiture and liability will occur that the entire pledged property will be swept away from the use of your orator and other creditors similarly situated.

Your orator shows that in and by the said acts, the said defendant was given very limited corporate powers and was hampered by divers conditions and restrictions, which in the present condition of the property serve to destroy its revenue and render the attainment of the sole object of the trust wholly impossible, that the said defendant can not mortgage said canal and with the proceeds of the loan put it in navigable order, nor has it any power to execute notes and borrow money in any other manner for the use of said property, nor can it use the proceeds of land sales for that purpose, nor can it in any manner be interested in maintaining vessels on said canal, but has

only legal power to act as a mere toll collector on the commerce of others passing through the said work. And your orator shows that for reasons aforesaid, the State of Indiana has abandoned and determined all her contingent interest in said canal and canal funds so pledged in trust as aforesaid, and that in consequence of the insolvency of the defendant and the present abandoned and deteriorating condition of said canal and appurtenances that the defendant is wholly unable to carry on and effectuate the true design and intention of said act, or to preserve in unimpaired condition the trust fund for the benefit of those entitled, and the further execution of the trust designed by the said acts has become, so long as the property remains in the custody of the defendant, wholly impossible.

And your orator shows that the actual value of said trust fund is probably at least \$1,500,000, and that if such canal was owned and managed, unrestricted by the disability of such insolvent special trustee, as is the defendant, that it could be improved, repaired and made capable of producing revenue and then pay a small portion of the debt charged against and of taxable value to the State and largely answer the commercial necessities of the region of country traversed by it. But if suffered to remain longer in its present management and condition that the whole property will and must of necessity become worthless to the pledgers thereof who will loose their entire demands and the canal will no longer be maintainable as a navigable highway, but will, when so abandoned, become and continue a public nuisance and source of disease to the citizens of the State. Wherefore, your orator in behalf of himself and other holders of canal stocks aforesaid, prays that inasmuch as he is without adequate remedy at law and can only have full and complete relief in a court of equity, where matters of the kind embraced and charged in this bill are properly cognizable and relievable, that a writ of subpoena in chancery be issued against the defendant, the board of trustees of the Wabash and Erie Canal, and that said defendant be required to answer all and each of the allegations and charges in this bill, contained and made as fully as if the same were repeated in the form of interrogations, and that the defendant answer and show fully and completely the condition of said trust property and particulars as hereinafter asked.

And your orator prays that an account may be taken of the amount and classes and priorities of said stocks issued under the aforesaid acts, either original or by way of reissue, also of the amount now justly due for principal and interest upon all such

classes of stock, and the names of the defendant holders and the amount severally due to each. Also, an account of the transactions of the said trust from its origin until the present time, showing the different receipts and disbursements on account thereof, and on what accounts made, and to whom and what the present condition of said canal fund is, and of what the assets of the canal now consist, and in whose hands they now are, and all other matters necessary to truly and fully show and exhibit to this court for the benefit of your orator and others for whom this bill is filed, the exact condition of said trust.

And your orator further prays that the defendant answer and show what lands have been purchased for the use of said canal, and what lands purchased by the trustees for the use of the canal, if any have been sold, and where situated, and to whom sold, and for what price, and also answer and show what lands, if any, heretofore used by the canal for the purpose of reservoirs and in about the reservoirs, have been sold during the last five years, and to whom sold and for what price.

And your orator further prays that the said court shall take into its hands and administer, by the hands of one or more sequestrators to be appointed, the wasting trust estate now in the hands of the insolvent corporation, the defendant, to the end that it may, under such directed orders as the court may make, in accordance with equity practice, be so administered as to preserve and protect it and apply its revenues and rents until such time as a final decree may be enrolled herein.

And when said accounts are taken as herein prayed, your orator further prays that the pledge and appropriation recited in said stocks shall be effectuated and the said canal and its appurtenances and lands may be decreed to be sold in such manner and on such terms as the court may deem best for the interests of those entitled to share in the proceeds thereof, and so as to bring the highest price therefor, and so as to vest title in the purchaser or purchasers therefor, with the right and duty to improve, maintain and operate the same, and reserve and enjoy the further tolls and revenues thereof as fully in all respects as the State might originally have done; and on such sale being made, and the proceeds brought into court, your orator prays that the said fund may be divided among himself and all other holders of said canal stocks according as their several ownerships, amounts and priorities may be from time to time established to the satisfaction of the court, and so decreed.

And your orator prays that any and all persons or corporations owning any of said canal stock may be permitted to become a party plaintiff on petition, and on the usual terms as to contribution to the expense instituting and carrying forward the proceedings for common benefit of all holders of said securities.

And your orator prays that the court will, from time to time, grant all such further and other relief which is not herein specially prayed for, but which may be found necessary to protect and secure the just equities and priorities of your orator and other holders of such stocks, and as the court may be competent to award in the premises.

CLAYPOOL, MITCHELL & KETCHAM,

Attorneys for Complainant.

We acknowledge ourselves surety for the payment of costs.

SOLOMON CLAYPOOL,

W. F. KETCHAM.

UNITED STATES, DISTRICT OF INDIANA,

IN THE CIRCUIT COURT OF THE UNITED STATES,

DISTRICT OF INDIANA, OF NOV. TERM, 1874.

Jonathan K. Gapin vs. the Trustees of the Wabash and Erie Canal—in Chancery.

The demurrer of the Trustee of the Wabash and Erie Canal, the defendant in the above bill. This defendant by protestation, not confessing or acknowledging all or any of the things in the said complaint contained, to be true in such manner and form, as the same are therein and thereby set forth, and obliged doth demur in law to the said bill, and for cause of demurrer sheweth that the said complainant hath not by his said bill made such a case as entitles him in a court of equity to any discovery or relief from or against this defendant, touching the matter contained in said bill or any of such matters.

And for further cause of demurrer shows that it appears by said bill of complaint that the State of Indiana, named therein, has a substantial interest in the matters embraced in said bill, and to be

effected by the relief therein sought, and is a necessary and indispensable party to said bill, and to the full and complete determination of said cause, and yet the said State of Indiana is not a party to said bill, wherefore and for divers other good cause of demurrer, appearing in said bill of complaint, this defendant doth demur to said bill and to all matters therein contained, and prays judgment of this honorable court, etc. And also prays to be hence dismissed with her reasonable cost in their behalf sustained.

McDONALD & BUTLER,

Attorneys for Defendants.

We certify that in our opinion the above demurrer to the plaintiff's complaint is well founded in point of law.

McDONALD & BUTLER,

Attorneys for Defendants.

UNITED STATES OF AMERICA, DISTRICT OF INDIANA,

Before me, the Clerk of the United States Circuit for the District of Indiana, on this day comes Charles Butler, one of the Trustees of the Wabash and Erie Canal, the defendant in the above suit, who being duly sworn, says on behalf of the defendant, that the above demurrer is not interposed for delay, and further says that Charles Butler subscribed and sworn this 23d December, 1874, before me.

JOHN D. HOWLAND,

Clerk.

Mr. Dykeman offered the following resolution:

Resolved, That a committee consisting of five Senators, two of whom shall be Democratic, two Republican, and one Independent in politics, be appointed by the President of the Senate to inquire into and report as to whether the apportionment of the State for Legislative purposes made at the last General Assembly was in accordance with the letter and spirit of the Constitution of the State, and if not to inquire into and report to the Senate whether an amendment to such bill of apportionment would be constitutional if

made at the present session, and if they should report favorable on such amendment that they report an amended bill for the reappointment of the State for Legislative purposes.

By unanimous consent the resolution was made a special order for to-morrow afternoon, 2 o'clock.

The hour of 2½ o'clock having arrived, it being the hour for the consideration of the special order.

Senate Bill No. 13, and Senate Substitute Bill No. 219, authorizing counties and townships to give aid to railroads by taking stock, etc.

The question being on concurring in the report of the Committee on Rights and Privileges of the Inhabitants of the State,

Mr. Slater moved that the substitute bill do lie on the table.

Messrs. Slater and Smith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bowman, Bunyan, Daggy, Givan, Grove, Harney, Howard, LaRue, Neff, Rhodes, Roe, Sarnighausen, Slater, Smith and Winterbotham—15.

Those who voted in the negative were,

Messrs. Baxter, Bell, Chapman, Culbertson, Cardwell, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Henderson, Hendricks, Hough, Humphries, Johnston of Parke, Maxwell, Peed, Ringo, Scott Skinner, Stockslager, Thompson, Tobin and Underwood—27.

So the substitute bill was not laid on the table.

The question recurring on concurring in the report of the committee.

Messrs. Smith and LaRue demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bell, Cardwell, Chapman, Culbertson, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Henderson, Hendricks, Hough, Humphries, Johnston of Parke, Maxwell, Peed, Scott, Skinner, Stockslager, Thompson, Tobin and Winterbotham—25.

Those who voted in the negative were,

Messrs. Bearss, Bowman, Bunyan, Daggy, Givan, Grove, Harney, Howard, LaRue, Neff, Rhodes, Ringo, Roe, Sarnighausen, Slater, Smith and Winterbotham—17.

So the report of the Committee was concurred in.

Senate Bill No. 219. A bill to amend sections 1, 2, 3, 4, 13, and 17 of an act entitled "An act to authorize aid to the railroads by counties and townships taking stock," etc.

Was read a second time and ordered engrossed.

On motion of Mr. Sarnighausen, the order of business was suspended and the message from the Governor, on the Wabash and Erie Canal taken up.

Was read and referred to the Committee on Canals.

Mr. Bell, from the Committee on Phraseology and Arrangement of Bills, made the following report:

MR. PRESIDENT:

The Committee on Phraseology and Arrangement of Bills have had under consideration Engrossed Senate Bill No. 144, authorizing Circuit Courts to change names of persons, and find that the same is correctly engrossed.

Mr. Hough, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate

Bill No. 11, entitled "An act to regulate public warehouses and warehousing," etc., have had the same under consideration and have directed me to return the same back to the Senate with the recommendation that the same be laid upon the table, for the reason that the subject matter thereof is included in Engrossed House Bill No. 101, which now stands on the calendar of the Senate for its second reading, and the passage of which, with certain amendments, has been recommended by this committee.

Was placed on the calendar.

Mr. Haworth, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The committee, to whom was referred Engrossed House Bill No. 207, an act providing for the enclosure of lands subject to overflow, and declaring an emergency, have had the same under consideration and direct me to report the same back with a recommendation that it do pass.

Was placed on the calendar.

Mr. Givan, from the Committee on Phraseology and Arrangement of Bills made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills, to whom was referred Engrossed Senate Bill No. 125, entitled "An act to amend section sixteen of an act entitled 'an act concerning notes and bills of exchange,'" approved May 12, 1852, have examined the same and find said bill correctly engrossed.

Mr. Slater, from the Committee on Printing, made the following report :

MR. PRESIDENT :

The Committee on Printing, to whom was referred House Bill No. 77, providing for the publication of official matter in German newspapers have had the same under consideration, and recommend

that section one, line three, be amended to read 15,000 instead of 20,000, and when so amended recommend that the bill do pass.

Placed on the calendar.

PETITIONS, MEMORIALS, REMONSTRANCES, ETC.

By Mr. Friedley of Scott, a petition from citizens of Washington county on the subject of being attached to Scott county.

Was read and referred to Committee on County and Township Business.

By Mr. Thompson, a petition from citizens of Indianapolis on the subject of Aldermen.

Was referred to Committee on Corporations without reading.

By Mr. Bowman, a petition from citizens of Gibson and Washington counties on the subject of dividing certain townships, etc., in said counties.

Was read and referred to the Committee on County and Township Business.

By Mr. Bowman, from citizens of Washington county on the same subject.

Was read and referred to the Committee on County and Township Business.

Mr. Howard offered the following resolution :

Resolved, That the Committee on Finance be instructed to report a bill to the Senate requiring the County Auditor to make a list of the taxes for the use of the County Treasurer and to extend the delinquent taxes on the same, and that the making of a duplicate delinquent list as now required by law be dispensed with.

Which was adopted.

Mr. Winterbotham offered the following resolution :

WHEREAS, There are now more convicts in the Northern Prison than there are cells and workshops for their keeping and employment, and whereas both the good discipline and proper employment of convicts require additional room, therefore

Resolved, That the Finance Committee be instructed to incorporate in the appropriation bill the sum of ——— dollars for the erection of one additional cell house and one additional workshop, as recommended by the directors of the prison in their last report.

Was read a first time and referred to the Committee on Prisons.

Leave of absence was granted the Committee on Prisons for the balance of the week.

Leave of absence was also granted Mr. Oliver for to-day.

Mr. Harney moved to reconsider the vote whereby the Prison Committee was granted leave of absence.

Which was not agreed to.

Mr. Bell introduced

Senate Bill No. 278. A bill to amend section 61 of an act entitled "An act to repeal all general laws in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Mr. Humphries introduced

Senate Bill No. 279. A bill authorizing the Board of Commissioners of counties where contracts have been made for the erection of Court Houses and other public improvements, and where the proceeds of the sale of bonds of one per centum on the assessed valuation of the property of such counties is insufficient to complete such buildings and other improvements, to issue and sell county bonds to an amount not exceeding one-half of one per centum on

the assessed valuation of the property of such counties in addition to any bonds which may have heretofore been issued and sold.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Skinner introduced

Senate Bill No. 280. A bill for the relief of Thos. A. E. Campbell.

Was read a first time and referred to the Committee on Claims.

Mr. Thompson introduced

Senate Bill No. 281. A bill to amend the first section of an act entitled "An act to amend the first section of an act entitled as follows: 'an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes,'" approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power to carry on such business, or to supply any city or village with water; approved March 11, 1861, so as to authorize and provide for the incorporation of union stock yard and transit companies, and also to authorize and provide for the organization of grain elevator companies, and legalizing the incorporation of any grain elevator companies already formed or attempted to be formed under the act to which this is an amendment, and declaring an emergency, which became a law by lapse of time December 27, 1872, so as to authorize and provide for the incorporation of companies for the purpose of buying and selling dry goods, carpets, boots and shoes, millinery goods, fancy goods or jewelry, in connection with the manufacture of such goods and articles into any articles for which they are suitable, and for the sale of such articles when they are so manufactured."

Was read a first time and referred to the Committee on Manufactures.

Mr. Howard introduced

Senate Bill No. 282. A bill to limit the powers of township trustees in incurring debts, and requiring him to designate certain days for transacting township business.

Was read a first time and referred to Committee on County and Township Business.

Mr. Givan introduced

Senate Bill No. 283. A bill to authorize the board of commissioners to appoint justices of the peace when vacancies may occur in said office.

Was read a first time and referred to Committee on Organization of Courts.

Mr. Tobin introduced

Senate Bill No. 284. A bill for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved March 11, 1852.

Was read a first time and referred to the Committee on Corporations.

Mr. Howard introduced

Senate Bill No. 285. A bill to amend the 18th section of an act entitled "An act concerning the partition of lands," approved May 20, 1852.

Was read a first time and referred to the Committee on Judiciary.

Mr. LaRue moved to suspend the order of business, in order to take up Senate Bill No. 252, which failed on yesterday to pass for the want of a constitutional majority.

Mr. Bunyan moved that the Senate do now adjourn.

Which was not agreed to.

The question recurring on the motion of Mr. LaRue to take up Senate Bill No. 252.

It was not agreed to.

SENATE BILLS ON SECOND READING.

Senate Bill No. 126. A bill to repeal sections 272 and 273 of an act entitled "An act to provide for a uniform assessment of property

and for the collection and return of taxes," approved December 21, 1872.

Was read a second time and the report of the Committee on County and Township Business concurred in, and the bill ordered engrossed.

Senate Bill No. 91. A bill to amend section 9 of an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing certain fees for the officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Was read a second time, the report of the Committee on Education concurred in and the bill laid on the table.

On motion by Mr. Slater, the Senate adjourned until 10 o'clock, to-morrow morning.

LEONIDAS SEXTON,

President of the Senate.

WEDNESDAY MORNING,

FEBRUARY 10, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. E. A. Bradley, of Christ's Church, Indianapolis.

Journal of yesterday read and approved.

REPORTS.

Mr. Friedley of Lawrence, from the Committee on Organization of Courts, made the following report:

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate Bill No. 255, an act supplemental to an act to establish Superior Courts, defining their jurisdiction and providing for the election and compensation of the judges thereof, approved February 15, 1871, have had the same under consideration and direct me to report the same back to the Senate with the recommendation that the bill be amended as follows :

SEC. 25. That the Criminal Court of any county in this State wherein a Superior Court is established by or under this act be and the same is hereby abolished, and all laws and parts of laws creating the same are hereby repealed.

SEC. 26. That all indictments, pleas or business of whatever kind which shall be pending in said Criminal Courts at the time of the taking effect of this act shall be transferred to and be tried and disposed of by the Circuit Court of said county, and all process, rules or recognizances returnable to said Criminal Court shall be returnable to said Circuit Court.

Make section 25 read "27," and when so amended recommend that the bill do pass.

Was placed on the calendar.

Mr. Haworth, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 282, entitled "An act to limit the power of township trustees in increasing debts, and requiring him to designate certain days for the transaction of township business," have had the same under consideration and desire me to report the same back to the Senate with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Haworth from the same committee, to whom was referred Senate Bill No. 69, entitled "An act compelling railroad corporations to fence their tracks and providing penalties for the violation thereof," have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it be amended as follows :

By striking out in line 13 the words "or freight." Also, by striking out the word "six" in line six, and inserting the word "twelve." Also, by striking out the emergency clause, and that when so amended the same do pass.

Was placed on the calendar.

Mr. Daggy, from the Committee on Phraseology and Arrangement of Bills made the following report :

MR. PRESIDENT :

Your committee have examined Senate Bill No. 77, entitled "A bill for an act to provide for the trial of certain cases in which changes of venue are granted," and find the same correctly engrossed.

Mr. Chapman, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills have examined Senate Bill No. 63, an act empowering the Board of Trustees of any incorporated town in this State by ordinance to prohibit the sale, barter, or giving away of intoxicating liquors within their corporate limits, and find the same correct.

Mr. Chapman, from the same committee, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills have examined Senate Bill No. 191, an act to amend section 51 of an act

entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding Courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873, and found the same correct.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 148, being an act to amend section 8 of an act regulating the granting of divorces, nullification of marriages, decrees and orders of courts incident thereto," approved March 10, 1873.

Also, Engrossed House Bill No. 165, being a bill to amend sections 30, 31, and 35 of an act for incorporation of towns, defining their powers and providing for the election of officers thereof, and declaring their duties, approved June 11, 1852.

Also, Engrossed House Bill No. 170, being a bill to amend an act regulating prosecutions in cases of bastardy.

Also, Engrossed House Bill No. 194, being a bill to amend section 186 of an act entitled "An act to revise, simplify and abridge the rules, practice and pleadings in civil cases in the courts of this State, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 15, 1852, and declaring an emergency.

And the said bills are herewith transmitted to the Senate for its action.

I am further directed by the House to inform the Senate that the House has concurred with the amendments made by the Senate to Engrossed House Bill No. 3, being a bill to amend sections 102, 107, 108, 125 and 170, and to repeal section 276 of an act to provide for a uniform assessment of property, etc.

I am further directed to inform the Senate that the Speaker of

the House has signed Enrolled Joint Resolution of the House No. 3, expressing regret for the death of Hon. Milton B. Hopkins, and said enrolled resolution is herewith transmitted for the signature of the President of the Senate.

Mr. Underwood, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 273, entitled "An act concerning the formation of new counties, and to repeal all laws inconsistent therewith," have had the same under consideration, and direct me to report the same back to the Senate with a recommendation that the same do lie on the table.

Was placed on the calendar.

Mr. Wilson, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 279, an act authorizing county commissioners to issue bonds in certain cases, have had the same under consideration, and instruct me to report the same back with a recommendation that the same do pass.

Was placed on the calendar.

Mr. Bowman, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 265, entitled "An act supplementary and amendatory to an act entitled 'an act to provide for a uniform assessment of property and for the collection and return of taxes,'" approved December 21, 1872, approved March 8, 1873, have had the

same under consideration and direct me to report the same back to the Senate with the recommendation that it lie on the table.

Was placed on the calendar.

Mr. Neff, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred House Bill No. 69, a bill authorizing boards of county commissioners to levy taxes and make appropriations to purchase, construct or repair roads, have had the same under consideration and direct me to report the same back to the Senate with the following amendment :

Amend section 1 after line 17, provided that where such board of commissioners purchase any gravel or macadamized road, such commissioner shall not pay to exceed thirty per cent. of the original cost of construction of such road.

Amend section 2 after line 9, provided that the taxes levied upon the taxable property of the township shall not exceed fifty cents on one hundred dollars in any one year for the purchase or construction of any such road or roads, and when so amended recommend its passage.

Was placed on the calendar.

Mr. Peed moved to suspend the order of business and take up Senate bills on second reading.

Which was agreed to.

SENATE BILLS ON SECOND READING.

Senate Bill No. 45. A bill relating to the appointment of receivers and to authorize appeals in such cases.

Was read a second time, the report of the Committee on Railroads concurred in and the bill ordered engrossed.

Senate Bill No. 180. A bill regulating the transportation of passengers by railroad companies and prescribing penalties for its violation.

Was read a second time, the report of the Committee on Railroads concurred in and the bill laid on the table.

Senate Bill No. 123. A bill for the appointment of supervisors of highways and prescribing their duties.

Was read a second time, the report of the Committee on Roads concurred in and the bill ordered engrossed.

Senate Bill No. 162. A bill providing for the commencement and prosecution of criminal actions by information.

Was read a second time, the report of the Committee on Judiciary concurred in and the bill ordered engrossed.

Senate Bill No. 17. A bill creating the Fortieth Judicial Circuit, fixing the time of holding courts therein, and also the time of holding courts in the Twenty-fourth Judicial Circuit, and providing for the transfer of certain business from the Twenty-fourth to the Fortieth Judicial Circuit, and providing for the appointment of a judge and prosecuting attorney therein, and declaring an emergency.

Was read a second time, the report of the Committee on Organization of Courts concurred in and the bill laid on the table.

Senate Bill No. 55. A bill to amend section 16 of an act entitled "An act concerning real property and the alienation thereof," approved March 6, 1852.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary, Mr. Rhodes offered the following amendment:

Amend by providing that the grantee or mortgagee who first causes his title to be placed on record shall be protected as against all grants placed on record subsequently.

Mr. Bunyan moved that the amendment do lie on the table.

Messrs. Rhodes and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Grove, Harney, Haworth, Henderson, Hendricks, Howard, Humphries, Johnston of Parke, Major, Maxwell, Neff, Peed, Ringo, Scott, Skinner, Sleeth, Smith, Stockslager, Wilson and Winterbotham—40.

Those who voted in the negative were,

Messrs. Baxter, Hough, LaRue and Rhodes—4.

So the motion was agreed to and the amendment laid on the table.

Mr. Boone offered the following amendment:

Amend by striking out "twenty days" and inserting "forty five days."

Mr. Bunyan offered the following amendment to the amendment:

Amend the amendment by inserting "thirty" in lieu of "forty-five days."

Which was not agreed to.

The question recurring on the amendment offered by Mr. Boone,

Messrs. Bunyan and Smith demanded the ayes and noes

Those who voted in the affirmative were,

Messrs. Beardsley, Bell, Boone, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan,

Grove, Harney, Haworth, Hendricks, Howard, Humphries, Johnston of Parke, Major, Neff, Peed, Ringo, Roe, Sarnighausen, Scott, Skinner, Stockslager, Thompson, Tobin, Underwood and Wilson—31.

Those who voted in the negative were,

Messrs. Baxter, Bearss, Bowman, Bunyan, Cardwell, Hackleman, Hough, LaRue, Maxwell, Rhodes, Sleeth, Smith and Winterbotham—13.

So the amendment was agreed to, and the report of the Committee as amended concurred in and the bill ordered engrossed.

Senate Bill No. 78. A bill to repeal an act entitled "An act to discourage the keeping of useless and sheep-killing dogs and providing penalties for the violation of any of the provisions of said act by officers and others," and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "An act for the protection of sheep," approved June 15, 1852, approved March 2, 1865, and providing that the repeal of said act shall not revive any law repealed by said act.

Was read a second time.

The question being on concurring in the report of the Committee on Agriculture,

Messrs. Humphries and Wilson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Johnson of Parke, LaRue, Major, Maxwell, Neff, Rhodes, Roe, Scott, Sleeth, Stockslager, Thompson, Tobin, Underwood and Winterbotham—34.

Those who voted in the negative were,

Messrs. Bearss, Bell, Bowman, Friedley of Lawrence, Gooding,

Howard, Humphries, Peed, Ringo, Sarnighausen, Smith and Wilson—12.

So the report of the Committee was concurred in and the bill laid on the table.

Senate Bill No. 19. A bill authorizing the United States of America to acquire title to lands in the State of Indiana by condemnation, prescribing the manner in which such condemnation shall be made, and declaring an emergency.

Pending the second reading of the bill Mr. Gooding moved that the bill do lie on the table.

Which was agreed to.

Senate Bill No. 103. A bill to enable administrators appointed by the authority of other States to sell lands in this State to pay debts, and declaring an emergency.

Was read a second time, the report of the Committee on Judiciary concurred in and the bill ordered engrossed.

Senate Bill No. 198. A bill to authorize and limit allowances by courts and boards of county commissioners, and repealing all laws in conflict with this act and defining the punishment for a violation of this act.

Was read a second time, the report of the Committee on County and Township Business concurred in and the bill ordered engrossed.

Senate Bill No. 37. A bill providing for the publication of official matter in German newspapers.

Pending the second reading of the bill Mr. Peed moved that the bill do lie on the table. •

Which was agreed to.

Senate Bill No. 54. A bill to amend an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a second time, the report of the Committee on Organization of Courts concurred in and the bill laid on the table.

Senate Bill No. 117. A bill to amend section nineteen of an act entitled "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852, and declaring and emergency.

Was read a second time, the report of the Committee on Judiciary concurred in and the bill ordered engrossed.

Senate Bill No. 102. A bill to require township trustees to levy a tax of fifty cents on each one hundred dollars worth of taxable property to pay debts incurred for the building of school houses.

Was read a second time, the report of the Committee on Education concurred in and the bill indefinitely postponed.

Senate Bill No. 53. A bill to amend section five of an act entitled "An act to amend the 18th, 24th, 25th and 26th sections of an act entitled 'an act regulating descents and the apportionment of estates,'" approved May 14, and adding a supplemental section to said act, approved March 4, 1853.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary.

Mr. Scott offered the following:

Recommit with instructions to amend by making it provide that it shall only apply to married women living separate and apart from their husbands.

Mr. Daggy moved that the motion of Mr. Scott do lie on the table.

Messrs. Thompson and Rhodes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bell, Boone, Bowman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Gooding, Grove, Harney, Henderson, Hendricks, Humphries, Johnston of Parke, Maxwell, Peed, Sleeth and Tobin—21.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Bunyan, Cardwell, Chapman, Givan, Hackleman, Haworth, Hough, Howard, LaRue, Neff, Rhodes, Ringo, Roe, Sarnighausen, Scott, Smith, Stockslager, Thompson, Underwood, Wilson and Winterbotham—23.

So the motion was not agreed to.

Mr. Bell offered the following amendment to the amendment :

Amend so that the bill shall apply only to cases when the husband shall fail, neglect or refuse to provide a sufficient support for the wife.

Which was agreed to.

Mr. Harney moved that the bill and amendment do lie on the table.

Messrs. Smith and Ringo demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Boone, Bowman, Dykeman, Givan, Grove, Harney, Humphries, Peed and Winterbotham—10.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Bell, Bunyan, Cardwell, Chapman Cree, Culbertson, Daggy, Davidson, Friedley of Scott, Gooding Hackleman, Haworth, Henderson, Hendricks, Hough, Howard, Johnston of Parke, LaRue, Maxwell, Neff, Rhodes, Ringo, Roe, Sarnighausen, Scott, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood and Wilson—34.

So the motion was not agreed to.

Mr. Daggy moved to amend the amendment so as to read "that the wife shall have her earnings during coverture."

Mr. Gooding moved that the amendment do lie upon the table.

Messrs. Scott and Daggy demanded the ayes and noes.

Those voting in the affirmative were,

Messrs. Bearss, Bell, Boone, Bowman, Chapman, Cree, Culbertson, Davidson, Givan, Grove, Harney, Humphries, LaRue, Major, Maxwell, Peed, Roe, Sarnighausen and Sleeth—19.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Bunyan, Cardwell, Daggy, Dykeman, Friedley of Scott, Gooding, Hackleman, Haworth, Henderson, Hendricks, Hough, Howard, Johnston of Parke, Neff, Rhodes, Ringo, Scott, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—26.

So the amendment was not laid on the table.

The question recurring on the amendment of Mr. Daggy to the amendment of Mr. Scott,

On motion of Mr. Johnston of Parke the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

The President in the chair.

The pending question on adjournment being on the amendment of Mr. Daggy to the amendment of Mr. Scott,

Messrs. Bell and Neff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bunyan, Cardwell, Daggy, Friedley of Scott, Gooding, Hackleman, Haworth, Howard, Neff, Scott, Smith, Thompson, Tobin, Underwood and Wilson—16.

Those who voted in the negative were,

Messrs. Bearss, Bell, Boone, Bowman, Cree, Culbertson, Dykeman, Givan, Grove, Harney, Hough, Humphries, Johnston of Parke, LaRue, Maxwell, Peed, Rhodes, Roe, Sarnighausen, Stocksläger and Winterbotham—21.

So the amendment was not agreed to.

The question recurring on the amendment of Mr. Scott as amended by Mr. Bell, Mr. Givan moved the previous question, which was seconded by the Senate.

The question being shall the main question be now put?

It was so ordered.

The question being on the amendment of Mr. Scott as amended by Mr. Bell,

It was agreed to.

The report of the Committee as amended was then concurred in.

The hour of 2:30 o'clock having arrived, it being the hour for the consideration of the special order, Mr. Dykeman's resolution on the apportionment of the State for legislative purposes, Mr. Daggy moved that the resolution do lie on the table.

Messrs. Bell and Dykeman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Neff, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—24.

Those who voted in the negative were,

Messrs. Bell, Boone, Bowman, Cree, Culbertson, Davidson,

Dykeman, Givan, Harney, Henderson, Hendricks, Humphries, Major, Maxwell, Reed, Sarnighausen, Smith, Stockslager, Wilson and Winterbotham—21.

So the motion was agreed to and the resolution laid on the table.

Message from the House, by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

By direction of the Speaker of the House, I herewith transmit for the signature of the President of the Senate, Enrolled House Act No. 3, being an act in relation to the assessment of property.

Senate Bill No. 105. A bill requiring County Auditors to publish a statement of all the allowances made by the County Commissioners.

Was read a second time, the report of the Committee on County and Township Business concurred in and the bill ordered engrossed.

Senate Bill No. 204. A bill providing for the erection of two additional Hospitals for the Insane.

Was read a second time.

The question being on concurring in the report of the Committee on Benevolent Institutions.

Mr. Winterbotham offered the following amendment : Amend by striking out all after the enacting clause and insert the following :

Section 1. That the Governor shall appoint, during the present session of the Generall Assembly, three commissioners who are hereby constituted a board of Commissioners to superintend the location, letting and construction of two Asylums for the Insane, one north of the south line of the counties of Warren, Tippecanoe, Clinton, Tipton, Grant, Blackford and Jay, and one south of the north line of the counties of Sullivan, Owen, Clay, Monroe, Brown, Bartholomew, Decatur and Franklin. Said commissioners shall hold their office for the period of two years and until their successors are appointed and qualified.

Sec. 2. It shall be the duty of said board of commissioners, after a careful examination, to select in parts of the State hereinbefore mentioned, suitable sites for the location of two Asylums for the Insane, which selection, when made, shall be reported to the Governor for his approval, and when approved by him shall be the places at which said asylums shall be located and erected, but if disapproved by the Governor said board shall, without further delay or examination, select another site or sites until the said board and Governor shall agree on the places for the location and erection of said asylums.

Sec. 3. When the places for the location of said asylums shall have been agreed upon, the said board of commissioners shall without delay contract for the purchase of not exceeding one hundred and sixty acres of land at each location, which they shall procure to be deeded to the State of Indiana, or they may receive donations of a sufficient amount of land not exceeding one hundred and sixty acres at either place of location on which to build said asylums. Said land to be deeded to the State of Indiana and may also receive donations to aid in building, either of said asylums and shall therefore advertise for proposals for the erection of said asylums upon such plan embracing offices and such other necessary buildings and fixtures as may be required to complete the establishment for the accommodation of the necessary officers, attendants, and five hundred insane patients at each of said asylums, and the safe keeping thereof, in not exceeding five newspapers, two of which shall be published in the vicinity of the location of such asylums and the others such as may be best calculated to call out competition in bids for the same, or if deemed best by said board, they may advertise and let portions of said edifices and buildings to different parties.

Sec. 4. At the time appointed in said advertisements for the examination of the bids for the buildings of said work the said board shall meet at the city of Indianapolis, and they together with the Governor shall examine the bids, and award the contract to the lowest responsible bidder, or they may award portions of said work to such bidders if they shall deem proper so to do, and upon the letting or lettings as aforesaid, a contract or contracts shall be entered into by the contractor or contractors with the said board in a penalty of double the amount of con-

tract price for the work to be performed, with good and ample security, conditioned for the honest and faithful performance of the work specified in the contract, under the superintendence hereinafter named, and the contract so made shall be filed and carefully preserved in the office of the Secretary of State; *Provided*, That neither of the commissioners of the present hospital for the insane, the superintendent, nor any of the officers, or attendants, agents, or employes thereof, or persons connected therewith in anywise, nor any officers named herein, nor any relation of theirs, or their wives, nor either of the commissioners hereafter to be appointed by any proviso of this act shall contract for any portion of the work herein provided for, or have any interest directly or indirectly therein.

Sec. 5. When the work is so let the board of commissioners aforesaid shall make out a written statement under oath, setting forth the number of bids presented, the name of each bidder, the nature and amount of his bid, and the action of said board thereon, and shall state that neither of said commissioners has received any bonus or gratuity of any nature or kind, or the promise thereof, in connection with or having reference to said lettings of said contract or contracts, and that they are not in any way interested in the proposal received or the contract made. Any such statement with the proposals or bids, shall be filed with and kept by the Secretary of State.

Sec. 6. A competent and skillful person shall be selected by said board, with the approval of the Governor, for each of said asylums, who shall remain on the asylum grounds and superintend the erection of said building, and see that the work is well and faithfully done according to contract, and shall make monthly estimates of the work done, under oath, which estimates, when approved by said board, shall be filed with the Auditor of State, who shall draw his warrant upon the Treasurer of State for the amount of said estimates, less ten per centum thereon, which amount of ten per centum shall remain unpaid until the work is fully completed and accepted by said board, when the Auditor shall draw his warrant therefor.

Sec. 8. Said board shall have the power to declare all contracts made under this act void when the work is not being done or the materials not furnished, or not furnished in quality, or in the time stipulated for in the contract, and shall, in such event, relet the

work upon the same terms, except as to notice, as is provided in this act, and the substance of this section shall be set forth in each contract.

Sec. 9. The board shall have power to remove at any time the person whose appointment is provided for in section 6 of this act. They shall be allowed each five dollars per day for all time necessarily employed by them in the performance of the duties required by this act, and all necessary traveling expenses.

Sec. 10. In order to carry out the provisions of this act there is hereby appropriated the sum of one hundred thousand dollars for the year 1875, and two hundred thousand dollars for the year 1876 out of any money in the treasury not otherwise appropriated.

Sec. 11. The necessary expenses of said asylums and the control and management thereof shall be paid out of the State treasury, under such regulations and restrictions as may be adopted by the board of commissioners, and as far as practicable in conformity with the practice and usages of the present Hospital for the Insane.

Sec. 12. The board of commissioners shall have authority to appoint a superintendent to take charge of the patients and hospital, to appoint a matron and such assistants and physicians, stewards and other officers as may be needed for the efficient and economical administration of the affairs of the asylum; *Provided*, That no one in any way related by birth or marriage nearer than the fourth degree of consanguinity to any member of the board, nor more than one of the same family shall hold any positions of trust or profit by appointment or otherwise in connection with either of said asylums, and the compensation shall be the same as that now paid for similar services by the Hospital for the Insane.

Sec. 13. It shall be the duty of the Governor as soon as any portion of said asylum is completed and ready to receive patients to make it known by proclamation, and patients may then be received and the same rules and regulations shall govern the receiving, treatment and discharge of patients as far as practicable shall govern and be enforced by these asylums as now govern and inforce in the present Hospital for the Insane; *Provided however*, That no patient shall be discharged from said asylums until permanently cured;

And provided, also, that the Governor and said Board of Commissioners shall prescribe such reasonable rules for the admission of patients as they may deem proper.

Sec. 14. All laws and regulations in force in reference to the government of the present Hospital for the Insane so far as the same are applicable to the government of said asylums are hereby continued in force.

Sec. 15. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Mr. Daggy moved to recommit the bill, report, and amendments to the Committee on Benevolent Institutions with instructions to strike out all in relation to the location of an asylum, and in lieu thereof provide for their location on the ground now owned and occupied for the Insane Hospital, near the city of Indianapolis, such asylums to be detached from each other, and be separate, the one from the other, not less than one fourth of a mile, and that the bill be otherwise reformed to carry out above instructions.

Mr. Givan moved the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the amendment offered by Mr. Daggy,

Messrs. Gooding and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Boone, Bowman, Cardwell, Culbertson, Daggy, Gooding, Hackleman, Harney, Haworth, Hough, Humphries, Maxwell, Neff, Roe, Sleeth, and Underwood—17.

Those who voted in the negative were,

Messrs. Baxter, Bearss, Bell, Bunyan, Chapman, Cree, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding,

Henderson, Hendricks, Howard, Johnston of Parke, LaRue, Major, Peed, Scott, Sarnighausen, Smith, Stockslager, Thompson, Tobin, Wilson and Winterbotham—27.

So the amendment was not agreed to.

The question recurring on the amendment offered by Mr. Winterbotham,

Messrs. Gooding and Bell demanded the ayes and noes.

Those voting in the affirmative were,

Messrs. Bearss, Bell, Boone, Bowman, Bunyan, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Henderson, Hendricks, Hough, Howard, Humphries, Johnston of Parke, LaRue, Major, Neff, Peed, Roe, Sarnighausen, Scott, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Wilson and Winterbotham—36.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Cardwell, Friedley of Scott, Givan, Hackleman, Harney, Haworth, Maxwell and Underwood—10.

So the amendment was agreed to.

Mr. Haworth offered the following amendment :

Strike out the lines of demarcation, leaving the commissioners free to fix upon such localities as they may deem best.

Mr. Gooding moved that the amendment do lie on the table.

Messrs. Hough and Gooding demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bell, Bunyan, Chapman, Davidson, Dykeman, Friedley of Lawrence, Gooding, Henderson, Hendricks, Howard, Johnston of Parke, LaRue, Major, Peed, Sarnighausen, Scott, Smith, Stockslager, Tobin and Winterbotham—21.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Boone, Bowman, Cardwell, Culbertson, Daggy, Friedley of Scott, Givan, Hackleman, Harney, Haworth, Hough, Humphries, Maxwell, Neff, Roe, Slater, Sleeth, Thompson, Underwood and Wilson—22.

So the motion was not agreed to.

Mr. Dykeman offered the following amendment to the amendment:

Provided, That the same shall not be located in Marion county.

Mr. Daggy moved that the amendment to the amendment do lie on the table.

Messrs. Dykeman and Bell demanded the ayes and noes.

Those who voted in the affirmative were

Messrs. Baxter, Beardsley, Boone, Cardwell, Culbertson, Daggy, Friedley of Scott, Hackleman, Harney, Haworth, Henderson, Hough, Humphries, Maxwell, Neff, Rhodes, Slater, Sleeth, Thompson, Underwood and Wilson—21.

Those who voted in the negative were,

Messrs. Bearss, Bell, Bowman, Bunyan, Chapman, Cree, Dykeman, Friedley of Lawrence, Givan, Gooding, Hendricks, Howard, Johnston of Parke, LaRue, Major, Peed, Roe, Sarnighausen, Scott, Smith, Stockslager, Tobin and Winterbotham—22.

So the amendment was not laid on the table.

The question recurring on the amendment offered by Mr. Dykeman,

On motion of Mr. Gooding the Senate adjourned until to-morrow morning at 10 o'clock.

LEONIDAS SEXTON,

President of the Senate.

THURSDAY MORNING.

FEBRUARY 11, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. T. H. Lynch, of Indianapolis.

Journal of yesterday read and approved.

By unanimous consent Mr. Haworth presented a petition from the State Board of Agriculture on the subject of locating the Insane Asylum.

Was read and referred to the Committee on Benevolent Institutions.

The pending question yesterday on adjournment being on the amendment of Mr. Dykeman to the amendment of Mr. Haworth on Senate Bill No. 204, Messrs. Bell and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bell, Bowman, Bunyan, Chapman, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Henderson, Hendricks, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Major, Peed, Roe, Sarnighausen, Skinner, Smith, Stockslager, Tobin, Wilson and Winterbotham—26.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Boone, Cardwell, Cree, Culbertson, Daggy, Friedley of Scott, Grove, Hackleman, Harney, Haworth, Hough, Humphries, Maxwell, Neff, Oliver, Rhodes, Ringo, Scott Slater, Sleeth, Thompson and Underwood—24.

So the amendment was agreed to.

The question recurring on the amendment of Mr. Haworth as amended, Mr. Bell moved that the amendment do lie on the table.

Messrs. Hough and Haworth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bell, Bowman, Bunyan, Chapman, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Henderson, Hendricks, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Major, Peed, Roe, Sarnighausen, Skinner, Smith, Stockslager, Tobin, Wilson and Winterbotham—26.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Boone, Cardwell, Cree, Culbertson, Daggy, Friedley of Scott, Grove, Hackleman, Harney, Haworth, Hough, Humphries, Maxwell, Neff, Oliver, Rhodes, Ringo, Scott, Slater, Sleeth, Thompson and Underwood—24.

So the motion was agreed to and the amendment laid on the table.

Mr. Sleeth offered the following amendment :

Amend as follows: The Commissioners shall investigate the propriety and feasibility, looking both to the question of economy and the interest and health of the insane, of converting the Soldiers' and Sailors' Orphan Home into an Insane Asylum.

Which was agreed to.

Mr. Chapman offered the following amendment :

Amend by striking out the word "three" and insert "five," and further amend in the fourth line, after the words "Commissioners," insert the words "of diverse politics.

Which was agreed to.

Mr. Harney offered the following amendment: That the bill be

recommitted to the committee with instructions to amend by providing for building one Hospital for the Insane.

Mr. Gooding moved that the amendment do lie on the table.

Messrs. Harney and Sarnighausen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bell, Bowman, Bunyan, Chapman, Davidson, Dykeman, Friedley of Lawrence, Gooding, Hendricks, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Major, Oliver, Peed, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin and Winterbotham—28.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Boone, Cardwell, Cree, Culbertson, Daggy, Friedley of Scott, Givan, Grove, Hackleman, Harney, Haworth, Henderson, Hough, Humphries, Maxwell, Neff, Rhodes, Ringo, Underwood and Wilson—22.

So the amendment was laid on the table.

Mr. Thompson offered the following amendment :

Provided, That no Commissioner shall receive more than two hundred dollars per annum for his services.

Which was agreed to.

Mr. Gooding moved that the bill be considered engrossed and read a third time now.

Mr. Sleeth moved that the motion do lie on the table.

Messrs. Hough and Haworth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Boone, Cardwell, Cree, Culbertson,

Daggy, Friedley of Scott, Grove, Hackleman, Harney, Haworth, Hough, Humphries, Maxwell, Neff, Oliver, Rhodes, Ringo, Sleeth and Underwood—21.

Those who voted in the negative were,

Messrs. Bearss, Bell, Bowman, Bunyan, Chapman, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Henderson, Hendricks, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Major, Peed, Roe, Sarnighausen, Scott, Skinner, Slater, Smith, Stockslager, Thompson, Tobin, Wilson and Winterbotham—29.

So the motion was not agreed to.

The question being on the motion of Mr. Gooding that the bill be considered engrossed and read a third time now,

Mr. Friedley of Lawrence moved the previous question, which was seconded by the Senate.

The question being, shall the main question be now put?

It was ordered.

Mr. Harney demanded a division of the question, the first being on the engrossment of the bill.

On this Messrs. Sleeth and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bell, Bowman, Bunyan, Chapman, Davidson, Dykeman, Friedley of Lawrence, Gooding, Henderson, Hendricks, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Major, Oliver, Peed, Sarnighausen, Scott, Skinner, Smith, Stockslager, Thompson, Tobin, Wilson and Winterbotham—28.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Boone, Cardwell, Cree, Culbertson, Daggy, Friedley of Scott, Givan, Grove, Hackleman, Harney, Haworth, Hough, Humphries, Maxwell, Neff, Rhodes, Ringo, Roe, Sleeth and Underwood—22.

So the motion was agreed to and the bill considered engrossed.

The question being, shall the bill be read a third time now.

Mr. Sleeth and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Bowman, Bunyan, Chapman, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Hackleman, Henderson, Hendricks, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Major, Oliver, Peed, Ringo, Sarnighausen, Scott, Skinner, Slater, Smith, Stockslager, Thompson, Tobin, Wilson and Winterbotham—34.

Those who voted in the negative were,

Messrs. Baxter, Boone, Cardwell, Cree, Culbertson, Grove, Harney, Haworth, Hough, Humphries, Maxwell, Neff, Rhodes, Roe, Sleeth and Underwood—16.

So the motion was agreed to.

And Senate Bill No. 204, a bill providing for the erection of two additional hospitals for the insane, was read a third time. By mous consent.

Mr. Sleeth moved to amend the bill by making the appropriation \$200,000 for the first year, and \$300,000 for the second year.

Which was unanimously agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Bowman, Bunyan, Chapman, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Maxwell, Oliver, Peed, Rhodes, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—40.

Those who voted in the negative were,

Messrs. Baxter, Boone, Cardwell, Cree, Hackleman, Harney, Haworth, Major, Neff and Ringo—10.

So the bill passed.

The question being, shall the title, as read, stand as the title of the bill.

Mr. Bell offered the following substitute :

An act providing for the location and erection of two asylums for the insane, and providing for the management thereof.

Which was agreed to.

The title as amended was then agreed to.

Ordered that the Secretary inform the House of the passage of the bill.

Mr. Johnston of Parke offered the following resolution :

WHEREAS, A member of this Senate has in the course of debate charged that there has been fraud and peculation in the management and disbursement of the funds appropriated for the support and maintenance of the Hospital for the Insane ; and

WHEREAS, It is due to the officers of said institution, and due to the taxpayers of the State that the charges so made should be investigated ; therefore,

Resolved, That the Committee on Benevolent Institutions are hereby instructed to make a thorough investigation into the financial management of said institution and report the result of the same to the Senate at as early a day as possible, and they are hereby authorized and empowered to send for such persons and papers as may be necessary to the thorough investigation of said charges.

Mr. Dykeman offered the following as a substitute :

Resolved, That a committee of three Senators be appointed by the President of the Senate to investigate into the management of the Lunatic Asylum, located at Indianapolis, with power to send for persons and papers, to administer oaths, and compel the attendance of witnesses, to the end that the charges uttered against it may be substantiated or disproved.

Which was adopted.

On motion by Mr. Chapman the Senate took a recess until 2 o'clock, p. m.

AFTERNOON SESSION.

Senate called to order by Mr. Beardsley, who moved that Mr. Daggy take the chair.

Which was agreed to.

Mr. Daggy in the chair.

Mr. Peed moved to suspend the order of business and take up Senate Bills on third reading.

Which was agreed to.

Mr. Bell, from the Committee on Phraseology and Arrangement of Bills, made the following report :

That they have examined Senate Bill No. 151, a bill to authorize incorporated cities in this State to construct, extend, widen, deepen, and improve harbors, to condemn the land of persons through or adjoining which such harbors may run, and find the same correctly engrossed.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed House Bill No. 321, being an act defining the duties

of county and township assessors, county and State boards of equalization in certain cases and prescribing the manner of determining the value of property of incorporated manufacturing and mining and other incorporated companies for taxation, and declaring an emergency.

Also, Engrossed House Bill No. 365, being an act authorizing county commissioners in certain cases therein named to issue bonds and said bills are herewith transmitted for the action of the Senate.

BILLS ON THIRD READING.

Engrossed Senate Bill No. 121. An act entitled "An act providing for the election and prescribing certain duties of county surveyors," approved January 17, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Bowman, Bunyan, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Henderson, Hough, Humphries, Johnston of Parke, Major, Neff, Oliver, Roe, Sarnighausen, Scott, Thompson, Tobin, Underwood and Wilson—30.

Those who voted in the negative were,

Messrs. Boone, Culbertson, Givan, Grove, Hendricks, Johnson of Floyd, LaRue, Maxwell, Peed, Rhodes, Ringo, Smith and Stockslager—13.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 63. An act to empower the board of trustees of any incorporated town in this State by ordinance to prohibit the sale, bartering or giving away of intoxicating liquors within their corporate limits, etc.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hendricks, Hough, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Rhodes, Ringo, Roe, Scott, Sleeth, Thompson, Tobin, Underwood and Wilson—33.

Those who voted in the negative were,

Messrs. Bell, Culbertson, Dykeman, Givan, Grove, Humphries, Johnson of Floyd, Peed, Sarnighausen, Slater, Smith, Stockslager and Winterbotham—13.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Johnston of Parke moved that the bill he referred to the Joint Committee on Titles, for correction of title.

Which was agreed to.

Engrossed Senate Bill No. 144. An act supplemental to an act approved January 21, 1852, and entitled "An act authorizing Circuit Courts to change the names of persons and corporations."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Lawrence, Friedley of Scott, Givan, Hackleman, Haworth, Henderson, Hendricks, Hough, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Ringo, Roe, Sarnighausen, Scett, Slater, Sleeth, Thompson, Tobin, Underwood and Winterbotham—36.

Those who voted in the negative were,

Messrs. Bell, Gooding, Grove, Humphries, Johnson of Floyd, Peed, Rhodes, Smith, Stockslager and Wilson—10.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?³

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 67. An act to repeal section 55 of an act entitled "An act to amend an act to authorize and regulate the business of general banking," approved March 3, 1855.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Hendricks, Hough, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Roe, Sarnighausen, Scott, Slater,

Sleeth, Smith, Stockslager. Thompson, Tobin, Underwood, Wilson and Winterbotham—45.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered that the Secretary inform the House of the passage of the bill.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following concurrent resolution:

WHEREAS, The Hon. G. F. Hoar, Wm. P. Fry, W. A. Wheeler, S. S. Marshall and other members of the Congressional Committee on Louisiana affairs, are in the city, on their way to Washington; therefore,

Be it resolved, by the House of Representatives, the Senate concurring, That they be invited to visit the Legislature and occupy seats upon the floor of the two houses, and that a committee of two Senators and three members of the House, be appointed to convey the invitation; and that as such committee on the part of the House, Messrs. Havens, Davis and Forkner have been appointed, in which action of the House the Senate is respectfully requested to concur.

On motion of Mr. Friedley of Lawrence the concurrent resolution was concurred in.

The President appointed as said committee, on the part of the Senate, Messrs. Scott and Bell.

Engrossed Senate Bill No. 125. An act to amend section 16 of

an act entitled "An act concerning promissory notes and bills of exchange," approved May 12, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Cardwell Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Hackleman, Harney, Haworth, Henderson, Hough, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Sleeth, Smith, Stockslager, Tobin, Underwood, Wilson and Winterbotham—41.

Those who voted in the negative were,

Messrs. Bowman, Slater and Thompson—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Johnston of Parke offered the following as a substitute title:

An act to amend the 16th section of an act entitled "An act concerning promissory notes, bills of exchange, bonds, or other instruments in writing signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," approved March 11, 1861.

Was adopted as the title of the bill.

Ordered that the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 93, an act to repeal an act entitled "An act to enable counties bordering on the State line, or rivers

forming State boundaries and townships and cities therein to aid in the construction of railroads opposite such counties, or to the State line, or river forming the State boundary bordering such counties, etc.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Bunyan, Cardwell, Chapman, Culbertson, Dykeman, Friedley of Lawrence, Givan, Grove, Harney, Haworth, Johnson of Floyd, LaRue, Major, Neff, Rhodes, Roe, Sarnighausen, Slater, Sleeth, Smith and Winterbotham—23.

Those who voted in the negative were,

Messrs. Beardsley, Boone, Bowman, Cree, Daggy, Davidson, Friedley of Scott, Gooding, Hackleman, Henderson, Hendricks, Hough, Humphries, Johnston of Parke, Maxwell, Oliver, Peed, Stockslager, Thompson, Tobin, Underwood and Wilson—22.

So the bill failed to pass for the want of a constitutional majority.

Engrossed Senate Bill No. 77. An act to provide for the trial of certain cases in which changes of venue are granted.

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Boone, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Humphries, Johnson of Floyd, Johnston of Parke, Major, Neff, Oliver, Peed, Rhodes, Sarnighausen, Slater, Sleeth, Thompson, Tobin, Underwood, Wilson and Winterbotham—36.

Those who voted in the negative were,

Messrs. Bearss, Bowman, Davidson, Grove, LaRue, Maxwell, Roe, Smith and Stockslager—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 32. An act to limit appointments to office in the Punitive, Reformatory and Benevolent Institutions of this State.

Was read a third time.

The question being, shall the bill pass?

Those voting in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Hackleman, Harney, Haworth, Henderson, Hough, Humphries, Johnson of Floyd, Johnston of Parke, Major, Maxwell, Neff, Oliver, Rhodes, Ringo, Roe, Sarnighausen, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—40.

Those voting in the negative were,

Messrs. Grove, Hendricks and LaRue—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 72. An act to amend section 3 of an act entitled "An act to render taxation for common school purposes uniform and to provide for the education of colored children of the State," approved May 13, 1869.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Johnston of Parke, LaRue, Major, Maxwell, Neff, Rhodes, Roe, Sarnighausen, Sleeth, Thompson, Tobin, Underwood and Winterbotham—32.

Those who voted in the negative were,

Messrs. Bowman, Culbertson, Givan, Grove, Humphries, Johnson of Floyd, Peed, Ringo, Slater, Smith, Stockslager and Wilson—12.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

By unanimous consent Mr. Roe offered the following resolution:

WHEREAS, The House has added one member more to the Prison Committee, therefore,

Resolved, That an additional member be placed on the Prison Committee of the Senate.

Which was adopted.

The President appointed Mr. Roe as the additional member of the committee.

Engrossed Senate Bill No. 141. An act authorizing the sale and conveyance of certain lands belonging to the State of Indiana.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Davidson, Dykeman, Friedley of Scott, Givan, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—44.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Message from the Governor by his Private Secretary.

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, February 11, 1875.

To the General Assembly :

I have received a communication from Hon. A. T. Goshorn, Director General, under date January 30, 1875, written in behalf of the United States Centennial Commission, making suggestions in relation to the proper and complete representation of the interests of this State at the International Exhibition of 1876, and herewith communicate a copy thereof for your consideration. I also lay before you a communication from Messrs. Porter and Coats, of Philadelphia, addressed to the Governor and General Assembly of Indiana, making application for authority to make, at the cost of the State, two steel engravings representing respectfully the Capitol in use at the organization of the State government and the one now occupied, or in process of erection, to be used as illustrating a history of the State, to be embodied in a Centennial memorial volume. The cost and character of the work and its supposed advantages to the State are more fully stated in the communication.

THOMAS A. HENDRICKS,

Governor.

INTERNATIONAL EXHIBITION, 1876,

UNITED STATES CENTENNIAL COMMISSION,

PHILADELPHIA, January 30, 1875.

To His Excellency THOMAS A. HENDRICKS,

Governor of Indiana :

SIR:—In behalf of the United States Centennial Commission I have the honor to direct your attention to several subjects connected with the International Exhibition of 1876 of great importance to your commonwealth, and for which provision should be made this year.

It has already become manifest that a large proportion of the articles to be exhibited will be provided for in a creditable manner by the manufacturers and producers of the several States, but there remains large classes of objects whose collection is essential to a complete representation of the material and social condition of the community, yet which it is not to the interest or within the power of an individual to collect. Of this description are the unwrought natural resources of the land, such as its minerals, soils, woods, vegetation, etc. It is so largely upon their wealth in this direction that the growth of States depends, that this department of the exhibition will be critically studied by those interested in the problems of emigration and of the investments of capital, on merely economical grounds, every State would do well to provide liberally for the thorough and exhaustive representation of the actual and possible products of its soil.

Another department that should be inaugurated and prepared under the auspices of the State Government, is that which may be termed the historical and statistical. Unless done by official authority, there will not be a complete presentation of such matters as the history of the early settlement of the State, its physical features, climate, geographical position, government, law and punishment of crime, systems of State and municipal taxation, revenue and expenditure, benevolent institutions and charities, education, scientific, industrial, commercial, learned and religious societies, agricultural and manufacturing interests, the extent and effects of railroads and other means of transportation, the history and wealth of the State. All these subjects, among others, ought to be represented, so as to afford a summary view of the history, progress, and present condition of every State. Unless this is accomplished, the exhibition will seriously fail in that part of its purpose which contemplates a representation of the nation's growth during the first century of its existence. Official resources only are adequate to the satisfactory execution of the task thus proposed. It is hoped, therefore, that each of the States, either by legislative action or otherwise, will adopt such measures as may be deemed necessary to empower existing organizations or agencies to be created to prepare an exhibition of its native resources, and moral and political advancement, as herein indicated. A collective representation of this character will not only be interesting as illustrating the prosperity of the country, but will also be of inestimable value for presentation in the activeness of the nation, and a correct history of the birth

and progress of the several communities that have contributed during the century to the growth and strength of the union of States. How far your State will participate in these suggestions is a question that I have the honor to most respectfully submit, and recommend to your early consideration.

Your obedient servant,

A. T. GOSHORN,

Director General.

To His Excellency, the Governor,

and General Assembly of Indiana:

We hereby make application to the State government for authority to make on its account two steel engravings representing respectively the capitol in use at the organization of the State government and to the one now occupied or in process of erection, to be used as illustrating a history of the State to be embodied in a Centennial Memorial Volume contemplated by us, and in relation to which the following explanation is offered:

It is proposed to prepare a history of the progress of the country in the last one hundred years with special reference to the history of each State, and showing the growth of the various arts and industries. It is designed to have the work prepared by competent literary talent, to publish it in 1876 in a handsome quarto volume and to illustrate it with about one hundred and twenty-five engravings on steel. The expense of the undertaking will be so great that we can only carry it out with the co-operation of the State government, our proposition to whom is this: that the State shall have the two plates made for its own use, but allow them to remain in our hands, their safety being guaranteed by us until used for the proposed volume, after which we will deliver them to the State, and they will be available for embellishing government historical works or other official publications for many years to come. The two engravings made by us for the commonwealth of Pennsylvania are specimens of the size and style, and the cost to the State of each plate will be three hundred dollars, which amount is to be paid on receipt of one hundred proofs. In the event of there being no view extant of the first capital used, some other historical subject might be substituted.

The importance of such a publication upon the occasion of the Centennial will be apparent, and with the co-operation of States we hope to be able to issue it at such a price as will insure its wide distribution at home and abroad.

It is needless to say that its interests will be the greater if there are no State histories unillustrated. We design it to be a great national work, the most extensive ever produced in America, and we propose introducing it in Europe early in the centennial year. If carried out according to the plan it will indicate to those abroad, as nothing else of the kind could, the growth of a nation in one hundred years. We give the State that for which it pays, viz.: The plates, and as before described, they will be useful for many years. It will be noted that the number of steel engravings proposed is very large, comprehending many other subjects than those we desire the State to furnish, and it will take many months to prepare them, we should therefore be glad to know the decision of your State in the matter as early as possible.

Very respectfully your obedient servants,

PORTER & COATES,

822 Chestnut street,

Philadelphia.

The Committee on the part of the Senate announced the presence of the Hon. G. F. Hoar, of Massachusetts, Hon. Wm. P. Fray, of Maine, Hon. Wm. A. Wheeler, of New York, and the Hon S. S. Marshall, of Illinois, members of the Congressional Committee on Louisiana Affairs.

The President welcomed them to seats in the Senate.

On motion, by Mr. Bell, the Senate took a recess of ten minutes.

After which the Senate was called to order by the President.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following Engrossed House Bills, to-wit:

No. 176 being an act to provide that owners of dogs killed or maimed shall not obtain judgment for such killing or maiming unless such dogs are listed for taxation.

House Bill No. 220, being an act providing for the incorporation of companies for the purposes of constructing bridges for railway or common roadway purposes, or both, over rivers and streams, forming the boundaries of the State of Indiana, or a part thereof, and declaring an emergency.

House Bill No. 230. An act to fix the location of the boundary line between the State of Indiana and Kentucky above and near Evansville, making the same evidence in any dispute, and declaring an emergency.

Also, Engrossed House Bill No. 290, being an act regulating the working of coal mines, providing penalties for the violation thereof, providing for the appointments and qualification of mine inspector, prescribing his duties, and declaring an emergency.

And said bills are herewith transmitted for the action of the Senate.

Engrossed Senate Bill No. 191. An act to amend section 51 of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Court of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of judges and prosecuting attorneys in certain cases," approved March 6, 1873.

Was read a third time.

By unanimous consent, Mr. Humphries moved to amend by inserting in the proper place the words "four weeks" in lieu of "three weeks."

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunnan, Cardwell, Chapman, Culbertson, Daggy, Davidson, Dykeman,

Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Sarnighausen, Scott, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin Underwood, Wilson and Winterbotham—46.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 157. An act to amend an act to amend the 153d section of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood and Wilson—45.

Those who voted in the negative were,

Messrs. Slater and Winterbotham—2.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 89. An act for the organization of camp meeting associations, and providing for the government thereof.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Hackleman, Haworth, Henderson, Hendricks, Hough, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Rhodes, Ringo, Roe, Sarnighausen, Scott, Sleeth, Thompson, Tobin, Underwood and Wilson—35.

Those who voted in the negative were,

Messrs. Culbertson, Grove, Harney, Howard, Humphries, Johnson of Floyd, Slater, Stockslager and Winterbotham—9.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

S. J.—35

Ordered, that the Secretary inform the House of the passage of the bill.

Mr. Humphries moved to suspend the order of business and take up Engrossed House Bill No. 365.

Which was agreed to, and Engrossed House Bill No. 365, an act authorizing the Boards of Commissioners of counties where contracts have been made for the erection of Court Houses and other public improvements, etc.

Was read a first time.

Mr. Humphries moved that the constitutional rule requiring bills to be read on three several days be suspended. That the bill may be read a second time by title, and a third time by sections, now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Neff, Oliver, Peed, Ringo, Roe, Sarnighausen, Scott, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood and Wilson—39.

Those who voted in the negative were,

Messrs. Howard, Major, Maxwell, Rhodes, Slater and Winterbotham—7.

So the constitutional rule was suspended, and the bill read a second time by title, and a third time by sections now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Cardwell,

Chapman, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Humphries, Johnson of Floyd, LaRue, Neff, Oliver, Peed, Roe, Sarnighausen, Scott, Stockslager, Thompson, Tobin, Underwood and Wilson—36.

Those who voted in the negative were,

Messrs. Baxter, Bunyan, Johnston of Parke, Major, Maxwell, Rhodes, Slater and Winterbotham—8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Leave of absence was granted the Committee on Benevolent Institutions for the remainder of the day.

Mr. Bearss moved to suspend the order of business and take up Engrossed House Bill No. 44.

Was agreed to and Engrossed House Bill No. 44, a bill authorizing County Commissioners of the respective counties in this State to purchase all the books, stationery, and all other articles necessary for the various county officers, Circuit and inferior courts in the State of Indiana, and punishing County Commissioners for speculating on the said purchase, and declaring an emergency, was read a first time and referred to the Committee on County and Township Business.

On motion by Mr. Givan Engrossed Senate Bill No. 106, an act to authorize incorporated towns to negotiate and sell bonds to procure means with which to complete unfinished buildings for public purposes, and authorizing the levy and collection of an additional special tax for the payment of such bonds.

Which failed to pass at the time of its third reading for want of a constitutional majority was taken up and placed on its passage.

Mr. Boone moved to amend by inserting the word "heretofore" after the word "have" in the first line of section 1.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Chapman, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Harney, Haworth, Henderson, Hendricks, Humphries, Johnson of Floyd, LaRue, Maxwell, Neff, Oliver, Peed, Scott, Skinner, Smith, Tobin and Underwood—30.

Those who voted in the negative were,

Messrs. Bunyan, Culbertson, Howard, Johnston of Parke, Major, Slater and Winterbotham—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered that the Secretary inform the House of the passage of the bill.

Mr. Stockslager, from the Committee on Fees and Salaries, made the following report :

MR. PRESIDENT :

Your Committee on Fees and Salaries, to whom was referred Senate Bill No. 140, being an act entitled "An act to amend section 49, and to repeal sections 48 and 50 of an act entitled 'an act regulating general elections, and prescribing the duties of officers in relation thereto,' " approved June 7, 1852, have had the same under consideration, and direct me to report the same back with the recommendation that it be amended by striking out of section 1, lines 9 and

10, the words "counting eight hours one day, the sum of two dollars," and inserting in lieu thereof the words "counting ten hours one day, the sum of one dollar and fifty cents," and when so amended recommend its passage.

Was placed on the calendar.

Mr. Stockslager, from the same committee, made the following report :

MR. PRESIDENT :

Your committee, to whom was referred Senate Bill No. 139, being an act to amend sections 1 and 2 of an act entitled "An act to amend the 2d section of an act entitled 'an act to amend the 5th and 6th sections of an act entitled an act to provide for the election of a reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter,'" approved February 28, 1855, and also to amend the 7th section of an act entitled "An act to provide for the election of a reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter," approved February 5, 1852, and declaring an emergency, have had the same under consideration and have directed me to report the same back with a recommendation that it do pass.

Was placed on the calendar.

Mr. LaRue moved a call of the Senate.

Those answering to their names were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Harney, Haworth, Henderson, Hendricks, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Sarnighausen, Scott, Slater, Stockslager, Tobin, Underwood and Winterbotham—39.

On motion by Mr. LaRue, a further call of the Senate was dispensed with.

On motion of Mr. LaRue the Senate adjourned until to-morrow morning at 10 o'clock.

FRIDAY MORNING.

FEBRUARY 12, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. Dr. Day of Indianapolis.

Journal of yesterday read and approved.

Mr. Scott asked leave to record his vote in the affirmative on Senate Bill No. 72.

Which was granted.

Mr. President announced the following committee on the resolution of investigation offered by Mr. Dykeman :

Messrs Dykeman, Hough and Major.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Bell, a petition on the subject of the salary of the President of the United States.

Pending the reading the President ordered its reference to the Committee on Fees and Salaries.

By Mr. Thompson, a petition from citizens of Miami county on the subject of labor, etc.

Was read and referred to Committee on Rights and Privileges of the Inhabitants of the State.

By Mr. Bearss, a petition from citizens of Miami county on the subject of the gravel road law.

Was read and referred to the Committee on Corporations.

By Mr. Chapman, a petition from citizens of Kosciusko county on the subject of taxation.

Was read and referred to the Committee on Fees and Salaries.

By Mr. Smith, a petition on the subject of establishing an institution to be known as the Indiana Sanitarium, etc.

Was read and referred to the Committee on Benevolent Institutions.

Mr. Hough, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 258, entitled "A bill declaring what shall in certain cases be the basis of the assessment of taxes in cities and incorporated towns, etc.," introduced by Senator Scott, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Maxwell, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred Senate Bill No. 249, being a bill to prohibit any city or town containing less than ten thousand inhabitants by their Common Council, or Board of County Commissioners of any county from annexing any contiguous territory to said city or town without the consent of the owner, limiting said City Council in the levy of tax, and repealing certain laws coming in conflict therewith, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the same do lie on the table.

Was placed on the calendar.

Mr. Boone, from the Committee on Agriculture, by unanimous consent, introduced

Senate Bill No. 286. A bill concerning domestic animals running at large and trespasses committed by such animals.

Was read a first time and placed on the calendar.

Mr. Beardsley, from the Committee on Manufactures, made the following report :

MR. PRESIDENT :

The Committee on Manufactures, to whom was referred Senate Bill No. 281, an act to amend the first section of an act entitled as follows: "An act to amend the first section of an act for the incorporation of manufacturing and mining companies," etc., have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Was placed on the calendar.

Mr. Harney, from the Committee on Claims, made the following report :

MR. PRESIDENT :

Your Committee on Claims, to whom was referred the claim of John Grissol, have unanimously directed me to report the same back to the Senate, with a recommendation that it be allowed for the sum of \$50.00, without interest. The claimant in this case made entry of the north-east quarter of the north-west quarter of section 20, township 34, north of range 9 west, containing 40 acres, in Lake county, Indiana, and paid therefor the sum of \$50.00, and upon the 4th day of April, 1874, obtained the State's settlers patent therefor. But the State had, as the records show, on the 25th of February, 1865, conveyed the same land to Zanol F. Simmens, by her letters patent, No. 23,964, so that the claimant obtained no title for his money. Wherefore your Committee consider that the same should be refunded to him by an allowance of \$50.00, in the Specific Appropriation Bill.

Which was concurred in.

Mr. Gooding, from the Committee on Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate Bill No. 283, a bill entitled "An act authorizing the Board of Commissioners to appoint justices of the peace when vacancies occur in said office," have had the same under consideration and have directed me to report the same back with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Skinner, from the Committee on Swamp Lands, made the following report :

MR. PRESIDENT :

Your Committee on Swamp Lands, to whom was referred Senate Bill No. 225, an act to amend section 11 of an act entitled "An act to authorize and encourage the construction of levees, dykes, drains and ditches and the reclamation of wet and overflowed lands by incorporated associations, and prescribing their powers and providing for the assessment of the cost of such improvements and expenses attending the same upon the lands benefitted thereby, and for the collection of such assessments, and repealing certain acts therein specified, and declaring an emergency," report said bill back to the Senate with the recommendation that the said bill be laid on the table.

Was placed on the calendar.

Mr. Dykeman, from the Committee on Swamp Lands, made the following report :

MR. PRESIDENT :

Your Committee on Swamp Lands, to whom was referred Senate Bill No. 210, a bill supplemental to an act entitled "An act to regulate the sale of the swamp lands donated by the United States to the State of Indiana and to provide for the draining and reclaiming thereof in accordance with the condition of said grant, this act to provide for the entry at private sale of such Swamp Lands as have not been advertised and offered at public sale as

required by this act to which this is supplemental," report said bill back to the Senate with the recommendation that said bill be indefinitely postponed.

Was placed on the calendar.

Mr. Haworth, from the Committee on County and Township Business made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred certain petitions and remonstrances with Senate Bill No. 269, entitled "An act to amend section 71 of an act entitled 'an act dividing the State into counties, defining their boundaries and defining the jurisdiction of such as border on the Ohio and Wabash rivers,'" approved June 7, 1852, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that said petition and remonstrances be returned to the Senate and that said bill be indefinitely postponed.

Was placed on the calendar.

Mr. LaRue, from a select committee, made the following report:

MR. PRESIDENT:

Your select committee, to whom was referred Senate Bill No. 254, an act to amend sections 23 and 117 of an act entitled "An act providing for the settlement of decedents' estates," etc., having had the same under consideration have instructed me to report the same back to the Senate with the following amendments: Amend the title by inserting the words "one hundred and sixteen," after word "three" and before the words "and one hundred and seventeen," and the words "one hundred and seventy-eight" after said words "one hundred and seventeen," insert the following: "Section 2," strike out the words "section 2 of said act," insert "section 3," insert the following: "Section 4," strike out the words "section 3" and insert "section 5," strike out the words "section 4," insert "section 6," strike out the words "section 5" and insert "section 7," strike out the words "section 6" and insert "section 8," and when so amended do recommend its passage.

Was placed on the calendar.

Mr. Boone, from a select committee, made the following report :

Your select committee, to whom was referred Senate Bill No. 235, an act in relation to provisions for widows and minor children of decedents, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it do lie upon the table.

Was placed on the calendar.

Mr. Boone, from a select committee, made the following report :

MR. PRESIDENT :

The select committee to whom was referred Senate Bill No. 138, a bill in relation to the settlement of claims against decedents' estates, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the bill be amended as follows : Strike out the words "sixty days" where they occur in the second section of the act and insert "six months," and when so amended they recommend its passage.

Was placed on the calendar.

Message from the House by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 200, entitled "An act legalizing extensions of plank, gravel and township roads beyond their terminal point mentioned in their articles."

Also, House Bill No. 190, entitled "An act to amend the fifth section of an act entitled 'an act to prohibit the collection of tolls on gravel, turnpike, macadamized and plank roads in certain cases and to provide the mode of declaring such charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith,'" approved March 5, 1859, and declaring an emergency.

Also, House Bill No. 145, entitled "An act providing for the reimbursement to the county of Adams of certain illegal taxes assessed and collected from Adams county."

Also, House Bill No. 206, entitled "An act to enable the owners of wet lands to drain and reclaim when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and other officers in the premises and to provide for the repair of such drains and to repeal all laws inconsistent herewith and declaring an emergency."

And the same are herewith transmitted to the Senate for its action thereon.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the Speaker of the House to inform the Senate that he has signed Enrolled House Bill No. 365, an act authorizing county commissioners to issue bonds in certain cases.

And the same is herewith transmitted to the Senate for the signature of the President thereof.

Mr. LaRue, from a select committee, made the following report:

MR. PRESIDENT:

The special committee, to whom was referred Senate Bill No. 153, a bill to amend section 178 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, have instructed me to report the bill back to the Senate, with the recommendation that it lie on the table, the provisions of the bill having been reported by the committee on Senate Bill No. 204.

Which was concurred in.

Mr. LaRue, from a select committee, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate Bill No. 160, an act to amend section 116 of the decedents' estates' act, have

instructed me to report the same back to the Senate with the recommendation that the bill do lie on the table, the principal provisions of this bill having been adopted in a portion of Bill No. 254.

Which was concurred in.

Mr. Daggy, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

Your Committee have examined Senate Bill No. 83, a bill to provide against intoxication on the part of public officers, and providing for the removal therefor, and find the same correctly engrossed.

Mr. Daggy, from the same committee, made the following report:

That they have examined Senate Bill No. 55, a bill to give married women their earnings, and find the same correctly engrossed.

Leave of absence was granted Mr. Henderson until Monday next.

The President announced that he had signed Enrolled House Bill No. 365, an act authorizing County Commissioners to issue bonds in certain cases.

Mr. Givan, from the Committee on Phraseology and Arrangement of Bills made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills, to whom was referred Engrossed Senate Bill No. 198, entitled "An act to amend sections 7 and 9 of an act entitled 'an act to authorize and limit allowances by courts and boards, repealing all laws in conflict with this act, and defining the punishment for violating the same,'" have examined the same and find it correctly engrossed.

Mr. Givan, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills, to

whom was referred Engrossed Senate Bill No. 45, entitled "An act in relation to the appointment of receivers, and to authorize appeals in such cases," have examined the same and find said act correctly engrossed.

Mr. Haworth, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate Bill No. 259, entitled "A bill for an act in regard to the conveyance of public grounds and buildings upon the relocation of a county seat," have had the same under consideration and directed me to report it back to the Senate with the following amendments : Strike out all after the enacting clause and insert the following : "That when relocation of any county seat shall have been completed, and the books and records removed to the new county seat, and any person or persons for the purpose of procuring such relocation shall have paid the county for the public grounds and buildings at the old county seat, as the same shall have been appraised by appraisers as required by law, it shall be the duty of the board of commissioners of such county to convey in fee to the municipal corporation where the old county seat was located, all the interest and estate of the county in such public grounds and buildings.

"Section 2. Whenever any person or persons for the purpose aforesaid shall have secured the payment of such appraised value of the public grounds and building at the old county seat, and therefor shall have paid or donated toward the erection of a court house, and the necessary officers at the new county seat a sum equal to or greater than such appraised value, and such last named court house and offices shall have been taken possession of and used by the county upon such relocation being completed, it shall be the duty of the county commissioners to convey to the municipal corporation where the old county seat was located, the old public grounds and buildings and release the party or parties who shall have received the payment therefor," and when so amended recommend its passage.

Was placed on the calendar.

Leave of absence was granted the Committee on Public Buildings.

Mr. Smith, from the Committee on Phraseology and Arrangement of Bills made the following report :

MR. PRESIDENT :

Your committee have examined Engrossed Senate Bill No. 117, a bill to amend section 19 of an act entitled "An act prescribing the powers and duties of Justices of the Peace, and declaring an emergency," and find the same correctly engrossed.

Mr. Smith, from the same committee, made the following report :

MR. PRESIDENT :

Your committee have examined Engrossed Senate Bill No. 126, a bill to repeal sections 272 and 273 of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes," approved December 21, 1872, and find the same correctly engrossed.

Mr. Scott asked to have Senate Bill No. 201, a bill to legalize the organization of all plank, macadamized or gravel road companies, etc., taken from the table and referred to the Committee on County and Township Business.

Was unanimously agreed to and the bill so referred. ;

Mr. Dykeman from the Committee on Banks, made the following report :

MR. PRESIDENT :

Your Committee on Banks, to whom was referred Senate Bill No. 241, a bill for the incorporation and continuance of building, loan fund and saving associations and repealing all laws on that subject, approved March 5, 1857 and May 7, 1873, and legalizing all such associations now in existence, and declaring an emergency, report said bill back to the Senate with the recommendation that

all that part of the bill be stricken out except the enacting clause, and they substitute the accompanying substituted bill No. 241, a bill for the incorporation and continuance of building, loan fund, and saving associations, and repealing the laws on the subject, approved March 5, 1857 and March 7, 1873, and legalizes all such associations now in existence, and declaring an emergency, which they recommend do pass.

Was placed on the calendar.

Mr. Hough introduced

Senate Bill No. 287. A bill to amend sections 1 and 4 of an act entitled "An act supplementary and amendatory of an act entitled 'an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,'" approved December 21, 1872, approved March 8, 1873, and declaring an emergency.

Was read a first time, and referred to the Committee on Finance.

Mr. Dykeman introduced

Senate Bill No. 288. A bill legalizing the assessment, equalization, levy and collection of municipal taxes for the years 1873 and 1874, providing that the general law governing State and county taxation, so far as the same provides for the time, and making the assessment and collection of taxes, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Senate Bill No. 289. A bill to legalize the official acts of the board of trustees of any town incorporated under the laws of this State, to assess and collect taxes on real and personal property for municipal and school purposes, etc.

Was read a first time and referred to the Committee on Corporations.

Mr. Rhodes introduced

Senate Bill No. 290. A bill for an act to amend section 17 of an

act entitled "An act containing several provisions regarding landlords, tenants, lessors and lessees," approved May 20, 1852.

Was read a first time and referred to the Committee on Agriculture.

Mr. Hendricks introduced

Senate Bill No. 291. A bill for an act authorizing incorporated cities in this State to construct, enlarge and maintain harbors, and for that purpose to assess against and collect thereof from adjoining land owners, and to compel such land owners to build and maintain said walls or docks in front of their lands, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Mr. Boone introduced

Senate Bill No. 292. A bill to amend the law for the incorporation of cities.

Was read a first time and referred to the Committee on Corporations.

Mr. Daggy introduced

Senate Bill No. 293. A bill to enable the incorporated cities of the State of Indiana to adopt and enforce by-laws, for the purpose of securing the removal of slops, garbage, and dead animals and other waste matter from their incorporate limits.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Haworth introduced

Senate Bill No. 294. A bill defining professional prostitution and prescribing punishment therefor, and prescribing certain rules, of evidence in prosecuting such offenses.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Carawell introduced

Senate Bill No. 295. A bill prescribing rates of charges by railroad and other common carriers for transporting freight and conveying passengers, prescribing penalties and furnishing remedies for its violation, and declaring an emergency.

Was read a first time and referred to the Committee on Railroads.

Mr. Hough introduced

Senate Bill No. 296. A bill to legalize the election held in the years 1872, 1873 and 1874 in the town of Knightstown, Henry county, Indiana, and to legalize the official acts of the several Boards of Trustees of said town for said years; and to legalize the assessment and levying of taxes by said corporation under "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties," approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Was read a first time and referred to the Committee on Corporations.

Mr. Gooding introduced

Senate Bill No. 297. A bill to amend the 30th section of an act entitled "An act granting the citizens of the town of Evansville, in the county of Vanderburgh, a city charter, approved January 27, 1847, so as to authorize the Common Council by ordinance and conveyance to transfer the property, control and management of burying grounds and cemeteries to a corporation or corporations or voluntary association or associations competent to take hold and manage the same.

Was read a first time and referred to the Committee on Corporations.

Mr. Cardwell introduced

Senate Bill No. 298. A bill to amend an act entitled "An act to amend an act to provide for a general system of common schools,

the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named and for the establishment and regulation of township libraries and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865, and adding supplemental sections thereto, approved March 8, 1873.

Which was read a first time and referred to the Committee on Education.

Mr. Wilson introduced

Senate Bill No. 299. A bill authorizing the instituting of actions to recover delinquent taxes, and providing for the sale of property upon executions issued on judgments recovered in such actions.

Which was read a first time and referred to the Committee on County and Township Business.

Mr. Maxwell introduced

Senate Bill No. 300. A bill relating to sureties.

Which was read a first time and referred to the Committee on Judiciary.

BILLS ON SECOND READING.

Senate Bill No. 43. A bill to amend the 657th section of an act approved June 18, 1852, and entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Was read a second time.

The report of the Committee on Judiciary concurred in, and the bill laid on the table.

Senate Bill No. 64. A bill to hold principals responsible for injuries happening to their employes, by the negligence or incapacity of co-employes in the same line of employment.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary.

Pending which, on motion by Mr. Chapman the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

The pending question on adjournment being on concurring in the report of the Committee on Judiciary on Senate Bill No. 64.

It was concurred in and the bill laid on the table.

Senate Bill No. 185. A bill to amend section 1 of an act entitled "An act to authorize township trustees, trustees of incorporated towns, and the common council of cities, to levy a tax for school purposes," approved March 9, 1867.

Was read a second time.

The report of the Committee on Education was concurred in and the bill ordered engrossed.

Senate Bill No. 44. A bill to declare null and void parts of certain contracts.

Was read a second time.

The report of the Committee on Judiciary was concurred in and the bill indefinitely postponed.

Senate Bill No. 76. A bill to amend section 8 of an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1852.

Was read a second time.

The report of the Committee on Judiciary concurred in and the bill indefinitely postponed.

Senate Bill No. 168. A bill to amend section 46 of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a second time.

Report of the Committee on Judiciary concurred in and the bill ordered engrossed.

Mr. Chapman, from the Committee on the Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills, have examined Engrossed Senate Bill No. 219, an act to amend sections 1, 2, 3, 4, 8, 13 and 17 of an act entitled "An act to authorize aid to the construction of railroads by counties and townships taking stock in and making donations to railroad companies," approved May 12, 1869, and find the same correct.

Mr. Scott, from the same Committee, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have examined Senate Bill No. 103. A bill to enable administrators appointed by the authority of other States, to sell lands in this State to pay debts, and declaring an emergency.

And Senate Bill No. 105, a bill requiring county officers to publish a statement of all the allowances made by the county commissioners.

Senate Bill No. 123. A bill to amend section 1 of an act entitled "An act to amend an act entitled 'an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of the county and township officers in relation thereto,'" approved March 5, 1859, and December 20, 1865, and find them correctly engrossed.

Senate Bill No. 243. A bill to amend section 3 of an act to amend an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 5, 1865, and adding supplemental section thereto, approved March 8, 1873.

Was read a second time, the report of the Committee on Education concurred in, and the bill laid on the table.

Senate Bill No. 206. A bill to amend section 17 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribing their powers and such other matters as properly pertain thereto," approved March 14, 1862.

Was read a second time, the report of the Committee on Corporations concurred in, and the bill laid on the table.

Senate Bill No. 140. A bill to amend section 49, and to repeal sections 48 and 50 of an act entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 17, 1852, and declaring an emergency.

Was read a second time.

The report of the Committee on Fees and Salaries was concurred in and, on motion by Mr. Peed, the emergency clause was stricken out and the bill ordered engrossed.

Senate Bill No. 187. A bill to amend subdivisions 38 of an act to amend section 53 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities and to provide for

the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency, approved March 10, 1873.

Was read a second time, the report of the Committee on Corporations concurred in and the bill indefinitely postponed.

Senate Bill No. 132. A bill to authorize any incorporated city in this State in which a harbor is situated to lease parts of streets and public grounds abutting on such harbor and to collect dockage from the lessees.

Was read a second time, the report of the Committee on Corporations concurred in and the bill ordered engrossed.

Senate Bill No. 70. A bill in relation to promissory notes, bank checks and bills of exchange and to designate the holidays to be observed in the presentment, acceptance and payment of the same, and declaring an emergency.

Was read a second time, the report of the Committee on Judiciary concurred in and the bill ordered engrossed.

Senate Bill No. 100. A bill in relation to orders issued by cities upon their treasuries, and providing for the presentation, redemption and order of payment of the same.

Was read a second time, the report of the Committee on Judiciary concurred in and the bill ordered engrossed.

Senate Bill No. 211 A bill to amend the sixth paragraph of the second section of an act concerning the organization of voluntary associations, etc., approved February 12, 1855.

Was taken up, the report of the Committee on Corporations with the following substitute :

Senate Bill No. 245. A bill to amend section 2 of an act entitled "An act concerning the organization and perpetuity of voluntary associations," and repealing an act entitled "An act concerning the organization of voluntary associations, etc."

Was concurred in and the bill ordered engrossed, and Senate Bill No. 211 laid on the table.

Senate Bill No. 178. A bill requiring the officers of certain corporations therein named to make out and publish annual statements and providing penalties for the violation thereof.

Was read a second time, the report of the Committee on Corporations concurred in and the bill ordered engrossed.

Senate Bill No. 87. A bill providing for the construction of fish ladders.

Was read a second time, the report of the Committee on Rights and Privileges concurred in and the bill ordered engrossed.

Senate Bill No. 218. A bill fixing the number of the Trustees of the Purdue University, prescribing the manner of their appointment, providing for the organization of said board and repealing all laws in conflict with the provisions of this act.

Was read a second time and ordered engrossed.

Senate Bill No. 15. A bill to regulate the sale of intoxicating liquors, to provide against drunkenness, and prescribing penalties, etc.

Was read a second time.

The question being on concurring in the report of the Committee on Temperance,

Mr. Hough offered the following amendment :

Amend by inserting after the word "clerk," in section five, the following words, to wit : "which bond shall take effect and be in force from the time such applicant shall receive his license." Further amend by adding the following to section five, to wit : "and all bonds executed under the provisions of this section shall waive relief from valuation and appraisement laws."

Mr. Givan moved that the bill, report of the committee and amendment be made a special order for Thursday next, the 18th inst., at 10 o'clock, a. m.

Which was agreed to.

Senate Bill No. 203. A bill to amend section 48 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in the criminal actions in the courts of this State," approved June 17, 1852.

Was read a second time, the report of the Committee on Judiciary concurred in and the bill ordered engrossed.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following engrossed bills, to-wit:

House Bill No. 225, entitled "An act appropriating five hundred dollars per annum to the Indiana Horticultural Society, prescribing when and to whom it shall be payable, and how it shall be used by said society."

Also, House Bill No. 88, entitled "An act to amend an act entitled 'an act for the incorporation of cities, defining their powers, providing for the election of officers thereof, and declaring their duties,' approved June 11, 1852, and declaring an emergency.

Also, House Bill No. 333, entitled "An act to provide for the election of directors of the State prisons, prescribing their powers and duties, providing for their compensation, repealing all laws conflicting with the provisions of this act, and declaring an emergency.

Also, House Bill No. 203, entitled "An act to authorize and empower manual labor schools, organized and incorporated under the law of this State, to accept and execute indentures of apprenticeship, and to make such indentures transferable by such corporations, and declaring an emergency.

Also, House Bill No. 255, entitled "An act concerning grand juries, fixing the number, pointing out the manner of selecting the same, defining their jurisdiction, declaring qualification, compensation thereof, when they shall convene and when they shall adjourn, and other matters pertaining thereto, and repealing all laws inconsistent therewith."

Also, House Bill No. 229. An act defining certain misdemeanors and defining penalties therefor.

Also, House Bill No. 219, entitled "An act to amend the 153d section of an act entitled 'an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed,' " approved March 6, 1865.

And the same are herewith transmitted to the Senate for its action thereon.

Senate Bill No. 197. A bill to amend section 5 of an act entitled "An act to provide for uniform assessment of property, and collection of taxes."

Was read a second time.

The question being on concurring in the report of the Committee on County and Township Business,

Mr. Rhodes offered the following amendment :

Recommit with instructions to repeal all laws requiring the publication of sale for delinquent taxes.

Mr. Scott offered the following amendment to the amendment :

Strike out the 195th section and insert "he shall cause notice to be published in three public places in each township, that the list required in section 194 of the act of which this act is amendatory, is made and ready for inspection and that on the second Monday in February the Treasurer will proceed to sell all lands delinquent."

Mr. Peed moved that the bill, report and amendments do lie on the table.

Mr. Sleeth demanded a division of the question, first being on laying the amendments on the table,

Messrs. Bell and Bunyan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Givan, Grove, Haworth, Hendricks, Peed, Sleeth and Thompson—12.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Hackleman, Harney, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Rhodes, Ringo, Scott, Smith, Tobin and Wilson—22.

So the motion was not agreed to.

The question now being on laying the bill and report on the table,

Messrs. Bunyan and Smith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell and Culbertson—2.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Daggy, Dykeman, Givan, Grove, Hackleman, Harney, Haworth, Hendricks, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Rhodes, Ringo, Scott, Sleeth, Smith, Thompson, Tobin and Underwood—30.

There not being a quorum voting, Mr. Chapman demanded a call of the Senate.

Those answering to their names were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Givan, Hackleman, Harney, Haworth, Hendricks,

Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Rhodes, Ringo, Scott, Sleeth, Smith, Thompson Tobin, and Wilson—32.

Mr. Chapman moved that the further call be dispensed with.

Mr. Johnston of Parke moved to amend, that the absentees be sent for.

Mr. Bell moved that the motion do lie on the table.

Messrs. LaRue and Rhodes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Boone, Culbertson, Daggy, Friedley of Lawrence, Hackleman, Harney, Hendricks and Scott—8.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Bell, Bowman, Bunyan, Cardwell, Chapman, Cree, Dykeman, Givan, Haworth, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Rhodes, Ringo, Sleeth, Smith, Thompson, Tobin and Wilson—24.

No quorum voting.

Mr. Bell moved that the Senate do now adjourn.

Which was not agreed to.

The question recurring on the amendment of Mr. Johnston of Parke,

It was agreed to.

The question being on the motion of Mr. Chapman as amended,

It was agreed to.

Leave of absence was granted Messrs. Sarnighausen, Hough and Gooding for the remainder of the day.

On motion of Mr. Bell, the Senate adjourned until to-morrow morning at 10 o'clock.

SATURDAY MORNING.

FEBRUARY 13, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

Journal of yesterday read and approved.

The pending question on adjournment yesterday being on the amendment offered by Mr. Scott to the amendment of Mr. Rhodes, on Senate Bill No. 137,

Mr. Bunyan moved that the order of business be suspended and that Engrossed House Bills on first reading be taken up.

Which was agreed to.

ENGROSSED HOUSE BILLS ON FIRST READING.

Engrossed House Bill No. 229. A bill defining certain misdemeanors, and defining penalties therefor.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 225. A bill appropriating five hundred dollars per annum to the Indiana Horticultural Society, prescribing when and to whom it shall be payable, and how it shall be used by said society.

Was read a first time and referred to the Committee on Agriculture.

Engrossed House Bill No. 203. A bill to authorize and empower manual labor schools, organized and incorporated under the laws of this State, to accept and execute indentures of apprenticeship, and to make such indentures transferable by such corporations, and prescribing the rights and duties of the transferee in case of such transfer, and declaring an emergency.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Engrossed House Bill No. 219. A bill to amend the one hundred and fifty-third section of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Was read a first time.

Engrossed Senate Bill No. 255. bill concerning grand juries, fixing the number, pointing out the manner of selecting, defining jurisdiction, declaring qualifications, the compensation thereof, when they shall convene and when they shall adjourn, and other matters pertaining thereto, and repealing all laws inconsistent therewith.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 88. A bill to amend an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof," approved June 11, 1852, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 290. A bill regulating the working of coal mines, and providing penalties for the violation thereof, providing for the appointment and qualification of mine inspectors and prescribing his duties, and declaring an emergency.

Was read a first time and referred to the Committee on Mines and Mining.

Engrossed House Bill No. 230. A bill to fix the location of the boundary line between the States of Indiana and Kentucky above and near Evansville, and making the same evidence in any dispute, and declaring an emergency.

Was read a first time.

Engrossed House Bill No. 195. A bill to fix the time of holding court in the Nineteenth Judicial Circuit, prescribing the length of the term, repealing all laws in conflict herewith, and declaring an emergency.

Was read a first time and referred to the Committee on Organization of Courts.

Engrossed House Bill No. 238. A bill to fix the times of holding Circuit Courts in the Fourth Judicial Circuit and to repeal all laws in conflict therewith, and declaring an emergency.

Was read a first time and referred to the Committee on Organization of Courts.

Engrossed House Bill No. 156. A bill defining certain crimes, declaring the commission of abortion a felony, prescribing punishment therefor and repealing conflicting acts, and declaring an emergency.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Engrossed House Bill No. 97. A bill to amend section 136 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 89. A bill to authorize the organization of boards of trade and other commercial organizations, defining their powers, prescribing their duties, providing a penalty of forfeiture for violation of the provisions of this act, making provisions for matters properly belonging to the act, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 220. A bill providing for the incorporation of companies formed for the purpose of constructing bridges for railway or common roadway purposes or both, over rivers and streams forming the boundaries of the State of Indiana or a part thereof.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 176. A bill to provide that owners of dogs killed or maimed shall not obtain judgment for such killing or maiming unless such dogs are listed for taxation, with a proviso.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Engrossed House Bill No. 321. A bill defining the duties of County and Township Assessors, and County and State Boards of Equalization in certain cases, and prescribing the manner of determining the value of property of incorporated manufacturing or mining, and other incorporated companies for taxation, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 165. A bill to amend section thirty and thirty-five of an act for the incorporation of towns, defining their powers, and providing for the election of officers thereof, and declaring their duties, approved June 11, 1852.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 194. A bill to amend section No. 186 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, etc., and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 148. A bill to amend section 8 of an act regulating the granting of divorces, nullification of marriages

and decrees and orders of courts incident thereto, and repealing all laws conflicting with the same, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No 190. A bill to amend the fifth section of an act entitled "An act to prohibit the collection of tolls on gravel, turnpike, macadamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith," approved March 5th, 1859, and declaring an emergency.

Was read a first time and referred to the Committee on Roads.

Engrossed House Bill No. 200. A bill legalizing extensions of plank, gravel and turnpike roads beyond their terminal points mentioned in the articles of association of companies making such extensions, to authorize such companies to take tolls for travel over such extensions, and to authorize such extensions to be hereafter made, providing for the inspection of such roads, and what shall be the effect of such inspections, and curing certain defects in the articles of association of such companies.

Was read a first time.

Mr. Bearss moved that the bill be referred to the Committee on Roads.

Mr. Hough moved to amend the motion of Mr. Bearss by referring the bill to the Committee on Judiciary.

Which was agreed to.

The motion of Mr. Bearss as amended was then agreed to.

Mr. Smith moved to suspend the order of business for the purpose of receiving reports from standing committees.

Which was agreed to.

REPORTS FROM COMMITTEES.

Mr. Daggy, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee have considered Senate Bill No. 129, a bill for the redemption of real property sold on execution or order of sale, determining the rights of parties interested therein, providing remedies, and repealing the act upon the subject of redemption, approved June 4, 1861, and declaring an emergency ; and, after considering the same, a majority thereof recommend that the same be amended as follows :

1st. Strike out sections 6, 9, 10, 11, 13 and 14.

2d. On page 4, line 29, after the word "them," strike out all to the word "act," inclusive, in line 30.

3d. On page 6, in section 12, strike out all of second section after the word "provided," in line 29.

4th. Add the following section "That all laws or parts of laws in conflict with the provisions of this act are hereby repealed," and when so amended that the same do pass.

Was placed on the calendar.

Mr. Boone, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 101, a bill empowering the Auditor of State to correct errors heretofore made by that officer in selling and conveying land forfeited to the sinking fund, etc., have had the same under consideration, and directed me to report the same back to the Senate with the following amendments :

Strike out all of the preamble of this bill from line 6, page 1, to line 4, page 2, both inclusive. Strike out the bill from the enacting clause, and insert therein the following: That the Auditor of State be and he is hereby instructed to convey by a good and sufficient deed to Deloss Root the following described real estate in Madison county, in the State of Indiana, to-wit :

Twenty acres off of the north end of the west half ($\frac{1}{2}$) of the north west quarter of section twenty (20), township eighteen (18), north of range seven (7) east; and such deed when made shall convey to said Deloss Root all the right, title and interest which the said State of Indiana has or had at the time the said land was forfeited to her, and shall be taken, received and accepted as *prima facie* evidence of the regularity of the forfeiture, and of the sale by the State to the said Deloss Root.

SECTION 2. The Auditor of State is hereby directed to make the proper corrections on the records of the sinking fund now in the possession of the Treasurer of State, in accord with the conveyance herein provided for.

SECTION 3. Whereas, as emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage, and when so amended that the bill pass.

Was placed on the calendar.

Mr. Daggy, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary Committee have had under consideration Senate Bill No. 208, entitled "An act authorizing judges of the Circuit Court to appoint master commissioners, defining their duties, and fixing the compensation of such master commissioners, and a majority of said committee recommend the passage of the bill amending the same by inserting on page 1, line 25, after the word "Circuit," the words "or Superior;" and on page 2, line 2, after the word "Circuit," the words "or Superior;" and on page 2, line 17, after the word "Circuit," the words "or Superior;" and on page 2, line 22, after the word "Circuit," the words "or Superior;" and on

page 3, line 2, strike out the word "Circuit;" also strike out the 4th section.

Was placed on the calendar.

Mr. Friedley, of Lawrence, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 240, a bill to amend the third section of an act entitled "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852, have had the same under consideration, and a majority of the committee have instructed me to report the same back to the Senate with the recommendation that the same do lie upon the table.

Was placed on the calendar.

Mr. Daggy, from the same committee, made the following report :

MR. PRESIDENT :

The Judiciary Committee have had under consideration Senate Bill No. 227, entitled "An act to amend section 224 of an act entitled 'an act to revise, simplify and abridge the rules of practice, etc.," approved June 18, 1852, and recommend that the same do lie on the table.

Was placed on the calendar.

Mr. Johnston of Parke, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred House Bill No. 204, a bill providing for the relief of persons bound as surety on contract in writing for the payment of moneys, have had the same under consideration and have directed me to report it back to the Senate with the recommendation that the same lie on the table.

Was placed on the calendar.

Mr. Friedley of Lawrence, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 242, entitled "An act relating to interrogatories propounded by one party to another, and the answers thereto in causes now pending and which may be hereafter instituted in the Circuit Court, and establishing the practice therein when the answers made to such interrogatories discloses that the party making such answers, if he be a plaintiff, has no cause of action, and if he be a defendant has no defense in the cause wherein such interrogatories are propounded, and other matters properly connected therewith, have had the same under consideration and have instructed me to report the same back to the Senate as follows :

That the same do lie on the table, because the substance of this bill is embodied in a bill the passage of which has been recommended by the Committee on Judiciary.

Was placed on the calendar.

Mr. Sleeth, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred House Bill No. 193, a bill for an act to amend section 672 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 14, 1852, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the same do lie on the table.

Was placed on the calendar.

Mr. Sleeth, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Engrossed

House Bill No. 66, a bill declaring agreements to pay attorney's fees contained in any bill of exchange, draft, or promissory note, etc., illegal and void, have had the same under consideration and a majority thereof have instructed me to report the same back to the Senate, as follows: After the word "void," in line 9 of section 1, "unless the rate per centum or specific amount to be collected as attorney's fees is specified in such instrument, and in no case shall such rate or amount exceed ten per centum on the first one hundred dollars, or five per centum on the excess over and above the first one hundred dollars." Also, amend by striking out section 2, and when so amended they recommend the passage of the bill.

Was placed on the calendar.

Mr. Sleeth, from the same Committee, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate bill No. 236, a bill to expedite the business of the Supreme Court by encouraging the filing of printed briefs therein, have had the same under consideration and a majority thereof have instructed me to report the same back to the Senate as follows:

That said bill do lie on the table.

Was placed on the calendar.

Mr. Sleeth, from the same committee, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 129, entitled an act to amend section 216 of an act entitled "an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1858, have had the same under consideration and direct me to report the same back to the Senate as follows: That the same be amended by

striking out all that portion of the bill after the enacting clause and substitute the following in lieu thereof, and that when so amended that the bill do pass.

Was placed on the calendar.

Mr. Sleeth, from the same committee, reported :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 226, a bill granting a pension to James C. Bates, late a sergeant of Company I, commanded by Captain Hunt, of the Indiana Legion, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it lie upon the table.

Was placed on the calendar.‡

Mr. Sleeth, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 169, entitled "an act to provide for the recording notices of pending suits, attachments and liens effecting real estate in certain cases, have had the same under consideration, and a majority of the committee have instructed me to report the same back to the Senate with the recommendation that the same do lie on the table.

Was placed on the calendar.

By unanimous consent, Mr. Boone introduced

Senate Bill No. 301. An act to amend an act, entitled "an act to amend section eleven of an act entitled 'an act concerning county prisons,' " approved May 27, 1852, approved December 2, 1865.

Was read a first time and referred to the Committee on Judiciary

By unanimous consent, Mr. Thompson introduced

Senate Bill No. 302. Be it enacted that the name of the corporation known as the Widows' and Orphans' Asylum of Indianapolis, etc.

Was read a first time and referred to the Committee on Corporations.

Mr. Friedley, of Lawrence, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, have had Senate Bill No. 75, an act to establish city courts in cities not being county seats, and having a population of above five thousand inhabitants, defining their jurisdiction, and the mode of procedure therein, have had the same under advisement, and have directed me to report the same back to the Senate with the recommendation that the bill do pass, after amending as follows :

Amend section 1 by striking out all of line 5 after the word "city," and the words "county seat," in line 6.

Also, strike out the word "five, in line 7, and insert the word "six."

Amend section 3, line 21, by inserting after the word "libel," the following, "or foreclosure of mortgages on real estate."

Amend section 5 by striking out all of line 6, after the word "defendant."

Also, all of lines 7, 8 and 9 to the word "court."

Amend section 6 by inserting in line 15, after the word "out," the words "the township or townships wherein such city is situated."

Also, by inserting in line 19, after the word "court," the words "except that the same shall not be a lien on real estate otherwise than as is provided by taking transcript."

Amend section 10 by adding at the end thereof "such judgment may only become a lien upon real estate by filing in the office of the Clerk of the Circuit Court, a transcript of such judgment, and upon the recording of such transcript in the order book of said Circuit Court, such judgment shall become a lien the same as judgments rendered by such Circuit Court, and execution may issue on such record of such transcript in the same manner and for the same reasons as executions are issued on transcript from the docket of Justice of the Peace, and no real estate or any interest therein shall be sold or any writ issued from said City Court."

Amend section 14 by striking out the word "judgment," in line 13, and inserting the following transcript, "filed and recorded as herein provided."

Also, strike out of line 14 the words "or decree of such court," Add to the end of section 15 the words "or marshal of such city." Amend section 17 by inserting in line 14, after the word "dollars," the following : "And if such trial shall last more than one day, he shall have two dollars." Also add after the word "trial," "after the first day." Also strike out in line 8 all after the word "trial." Also, line 9 and in line 10 the words "each case." Strike out section 19.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 246, An act to amend sections 36 and 58 of an act, entitled "an act granting to the citizens of Evansville, in the county of Vanderburg, a city charter," approved January 27, 1847, and adding a supplemental section thereto, abolishing the office of city collector of said city, and requiring the city treasurer to perform the duties of city collector, and construing the 41st clause of the 30th section of the charter of said city with an emergency clause thereto, have had the same under consideration and have directed me to report the same back to the Senate, with the recommendation the same be amended by striking out the phrase, "nor any informality

or mistake," in line 63, in section 1 thereof, and when so amended that the bill do pass.

Was placed on the calendar.

Mr. Neft, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate Bill No. 186, a bill making the township trustee, superintendent of roads, prescribing duties, etc., have had the same under consideration and a majority of the committee report the same back with a recommendation that the bill do lie on the table, and substitute the following :

Senate Bill No. 186. A bill making the township trustees of each civil township superintendent of roads and highways in his township, providing for the appointment of road masters, and prescribing their duties, also providing for the levy of taxes for roads and highways and commutation road tax, purchases of gravel roads, and repealing all acts in conflict with the same.

Mr. Givan, from the Committee on Banks, made the following report :

MR. PRESIDENT :

The Committee on Banks to whom was referred Senate Bill No. 275, entitled "An act to provide for the assessment and collection of taxes on bank stock," have had the same under consideration and have directed me to report the same back with the recommendation that the same be indefinitely postponed.

Was placed on the calendar.

Mr. Grove moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 230 be read a second time by title and a third time by sections, now.

Those who voted in the affirmative were,

Messrs. Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Peed, Scott, Skinner, Sleeth, Smith, Thompson, Tobin and Wilson—35.

No Senator voting in the negative.

So the constitutional rule was suspended and Senate Bill No. 230, a bill to amend the tenth section of the general assessment law and declaring an emergency was read a second time by title, considered engrossed, and read a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Howard, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Peed, Rhodes, Scott, Skinner, Sleeth, Smith, Thompson, Tobin and Wilson—37.

No Senator voting in the negative.

So the bill passed.

The question being shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Mr. Bell moved to suspend the constitutional rule requiring bills to be read on three several days, and that Engrossed House Bill No. 213 be read a second time by title and a third time by sections, now.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Humphries, Johnston of Parke, Major, Maxwell, Neff, Peed, Rhodes, Scott, Skinner, Sleeth, Smith, Thompson, Tobin and Wilson—36.

Mr. LaRue voting in the negative.

So the constitutional rule was suspended, and Engrossed House Bill No. 213, an act to legalize taxes for 1874, of the incorporated town of Auburn, in DeKalb county, Indiana, and the proceedings of the proper officers in relation thereto, and to empower the proper officers to collect said taxes, and declaring an emergency, was read a second time by title, and a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Neff, Peed, Rhodes, Scott, Skinner, Sleeth, Thompson, Tobin, and Wilson—35.

Those who voted in the negative were,

Messrs. Boone and Smith—2.

So the bill passed,

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Mr. Sleeth made the following report :

MR. PRESIDENT :

Your Committee on Corporations, to whom was referred Senate Bill No. 18, a bill to provide a board of aldermen for the city of Indianapolis, have had the same under consideration and have instructed me to report the same back to the Senate with a recommendation that it do pass.

Was placed on the calendar.

By unanimous consent, Engrossed House Bill No. 206, a bill to enable the owners of wet lands to drain and reclaim them when the same can not be done without affecting the lands of others, prescribing the powers and duties of county boards and their officers in the premises, and to provide for the repair of such drains and to repeal all laws inconsistent therewith, and declaring an emergency.

Was read a first time and referred to the Committee on Swamp Lands.

Mr. Bunyan moved that the Senate do now adjourn.

Mr. Dykeman moved to amend that when the Senate adjourn it be until 2 o'clock p. m. Monday next.

Mr. Johnson of Parke moved to amend the amendment that when the Senate adjourn it be until 10 o'clock a. m. Monday.

The ayes and noes were demanded by five Senators,

Those who voted in the affirmative were,

Messrs. Bearss, Bell, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Hendricks, Hough, Humphries, Johnston of Parke, Major, Neff, Scott, Tobin and Underwood—18.

Those who voted in the negative were,

Messrs. Daggy, Davidson, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Hackleman, Harney, Haworth, LaRue, Major, Peed, Rhodes, Skinner, Slater, Sleeth and Thompson—18.

So the amendment to the amendment was not agreed to.

The question now being on the amendment of Mr. Dykeman, that when the Senate adjourn it be until 2 o'clock p. m. Monday.

Five Senators demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Daggy, Dykeman, Friedley of Lawrence, Grove, Hackleman, Harney, Haworth, Hendricks, LaRue, Major, Neff, Peed, Rhodes, Skinner, Thompson and Tobin—17.

Those who voted in the negative were,

Messrs. Beardsley, Bearss Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Davidson, Givan, Gooding, Hough, Humphries, Johnston of Parke, Maxwell, Scott, Smith and Underwood—20.

So the amendment was not agreed to.

Mr. Bell moved to reconsider the vote whereby the amendment of Mr. Johnston of Parke was not agreed to.

Which was agreed to.

The question recurring on the amendment offered by Mr. Johnston of Parke.

Messrs. Bunyan and LaRue demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Bunyan, Cardwell, Cree, Daggy, Hackleman, Haworth, Neff, Scott, Tobin and Wilson—11.

Those voting in the negative were,

Messrs. Boone, Bowman, Chapman, Culbertson, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Harney, Hendricks, Hough, Humphries, Johnston of Parke, LaRue, Major, Maxwell, Peed, Rhodes, Sleeth, Smith and Thompson—23.

So the amendment of Mr. Johnston of Parke, was not agreed to.

The question recurring on the motion of Mr. Bunyan that the Senate do now adjourn,

It was agreed to.

And the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

Mr. Bunyan moved to suspend the order of business and take up Senate bills on second reading.

Which was not agreed to.

Leave of absence was granted Mr. Hackleman for the remainder of the day.

On motion by Mr. Rhodes, the Senate adjourned until Monday afternoon, 2 o'clock.

MONDAY AFTERNOON.

FEBRUARY 15, 1875—2 O'CLOCK.

Senate assembled.

And was called to order by the Assistant Secretary.

On motion, by Mr. Sleeth, Mr. Scott took the chair.

Journal of Saturday, the 13th, read and approved.

Mr. Beardsley moved that the order of business be suspended and that Senate Bills on second reading be now taken up.

Which was agreed to.

BILLS ON SECOND READING.

Senate Bill No. 246. A bill to amend sections 36 and 58 of the act entitled an act granting to the citizens of the town of Evansville a city charter, approved January 27, 1847, and adding a supplemental section thereto abolishing the office of City Collector of said city, requiring the City Treasurer to perform the duties of City Collector, and construing the forty-first clause of the thirtieth section of the charter of said city with an emergency clause thereto.

Was read a second time, the report of the Committee on Corporations concurred in and bill ordered engrossed.

Senate Bill No. 192. A bill to provide for the election of a Reporter of the Supreme Court, the speedy publication of the decisions of such courts, and for the compensation of such reporter.

Was read a second time, the report of the Committee on Judiciary concurred in, and the bill ordered engrossed.

Senate Bill No. 56. A bill to amend the first section of an act entitled "An act to prevent the introduction and spread in this

state of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this State, or the purchasing of the same at certain seasons of the year a misdemeanor, and prescribing the penalties therefor, approved February 10, 1869, and declaring an emergency.

Was read a second time, the report of the Committee on Agriculture concurred in, and bill ordered engrossed.

Senate Bill No. 124. A bill concerning common carriers.

Was read a second time.

By unanimous consent the report and bill was recommitted to the Committee on Railroads.

Senate Bill No. 5. A bill to amend section 13 of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a second time.

The report of the Committee on Judiciary concurred in, and the bill ordered engrossed.

Senate Bill No. 11. A bill declaring it to be unlawful to deprive certain employes of any railroad company of the benefits of the exemption laws of the State, by attachment and garnishee proceedings being instituted without this State, and providing that wages so collected from any railroad company, due to certain employes, may be recovered back with damages.

Was read a second time.

The question being on concerning in the report of the Committee on Judiciary.

Mr. Bell offered the following amendment:

Amend the report by striking out the recommendation to indefinitely postpone, and insert to recommend its passage.

Mr. Bunyan moved that the amendment do lie on the table.

Messrs. Bell and Smith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Davidson, Givan, Grove, Hackleman, Haworth, Hough, LaRue, Major, Peed, Ringo, Thompson and Tobin—20.

Those who voted in the negative were,

Messrs. Beardsley, Bell, Dykeman, Harney, Hendricks, Humphries, Johnston of Parke, Maxwell, Neff, Sarnighausen, Scott, Slater, Smith and Wilson—14.

So the amendment was laid on the table.

The question recurring on concurring in the report of the committee.

Messrs. Bell and Dykeman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Boone, Bowman, Bunyan, Cardwell, Culbertson, Daggy, Davidson, Friedley of Lawrence, Givan, Grove, Hackleman, Haworth, Hough, LaRue, Major, Peed, Ringo, Scott, Sleeth, Thompson and Tobin—22.

Those who voted in the negative were,

Messrs. Beardsley, Bell, Chapman, Dykeman, Gooding, Harney, Hendricks, Humphries, Johnston of Parke, Maxwell, Neff, Sarnighausen, Smith and Wilson—14.

So the report of the committee was concurred in and the bill indefinitely postponed.

Message from the House by Mr. Holmes, Clerk thereof:

MR. PRESIDENT:

I am directed by the House to inform the Senate that the House has passed the following engrossed bills, to-wit:

Engrossed House Bill No. 212. An act to amend section 34 of an act entitled "An act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Also, House Bill No. 237. An act legalizing the record and acknowledgments of deeds and mortgages heretofore recorded in any county of this State, when the official character of the officers taking the acknowledgments were not certified to as required by law, authorizing the reading of such deeds and mortgages in evidences, and making such record notice to third persons.

Also, Engrossed House Bill No. 240. An act providing for the election of railroad directors of railroad companies incorporated under the laws of this State, so that three of said directors shall be citizens of this State.

Also, Engrossed House Bill No. 247. An act relating to evidence respecting lost or destroyed records and deeds purporting to have been made pursuant to judicial sales.

Also, Engrossed House Bill No. 340. An act to amend section 14 of an act entitled "An act regulating foreign insurance companies doing business in this State, prescribing the duties of the agents, and of the Auditor of State in connection therewith," and declaring an emergency.

Also, Engrossed Senate Bill No. 191, an act to amend section 51 of act entitled "An act to divide the State into circuits for judicial purposes," approved March 6, 1873, with the following amendment and addition to the title thereof, "and declaring an emergency," in which amendment so made by the House, the Senate is respectfully requested to concur, and said Engrossed House Bill and Senate Bill with the amendment thereto, are herewith transmitted for the action of the Senate.

Senate Bill No. 7. A bill to amend sections 102, 107, 271, 277, and 278 of an act to provide for the uniform assessment of property, and for the collection and returning of taxes thereon, approved

December 21, 1872, and to provide for the election of township assessors, and prescribing their duties.

Was read a second time.

The report of the Committee on Finance concurred in, and the bill laid on the table.

Mr. Peed moved to suspend the order of business and take up Engrossed Senate Bill No. 191, a bill to amend section fifty-one of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the courts of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of judges and Prosecuting Attorneys in certain cases," approved March 6, 1873, that the Senate may concur in the House amendment to the title.

Which was agreed to.

The amendment being "and declaring an emergency," was unanimously concurred in.

Mr. Chapman presented a claim from the Indianapolis Journal Company for thirty-two complete set statutes for the Senate, \$480.

Was read and referred to the Committee on Claims.

Senate Bill No. 10. A bill to regulate warehouses and warehousing and inspecting and mixing grain, providing for the appointment of inspectors of grain, making warehouse receipts assignable, prescribing the duties of warehousemen and inspectors of grain, and providing penalties.

Was read a second time, the report of the Committee on Corporations concurred in, and the bill laid on the table.

Senate Bill No. 46. A bill to amend the 8th section of an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1850.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary,

By unanimous consent, it was laid over for the present.

Senate Bill No. 16. A bill fixing the compensation of certain officers therein mentioned.

Was read a second time, the report of the Committee on Fees and Salaries concurred in and the bill ordered engrossed.

Senate Bill No. 62. A bill to amend section 77 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary,

Mr. Sleeth moved to amend by striking out the words "to lie on the table," and insert in lieu thereof the words "recommend its passage."

Mr. Johnston of Parke, moved that the amendment do lie on the table.

Messrs. Bell and Sleeth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bearss, Bell, Boone, Bowman, Cardwell, Davidson, Dykeman, Friedley of Lawrence, Givan, Hackleman, Harney, Haworth, Hendricks, Johnston of Parke, Major, Maxwell, Ringo, Sarnighausen, Scott, Thompson and Tobin—21.

Those who voted in the negative were,

Messrs. Bunyan, Chapman, Culbertson, Daggy, Gooding, Grove, Hough, Humphries, LaRue, Neff, Oliver, Slater, Sleeth, Smith and Wilson—15.

So the motion was agreed to and the amendment laid on the table.

Mr. Chapman moved that the report of the Committee do lie on the table.

Which was not agreed to.

The question recurring on concurring in the report of the Committee,

Messrs. Friedley of Lawrence and Peed demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Cardwell, Daggy, Dykeman, Friedley of Lawrence, Givan, Hackleman, Harney, Haworth, Hendricks, Johnston of Parke, Major, Maxwell, Oliver, Ringo, Sarnighausen, Scott, Thompson and Tobin—23.

Those who voted in the negative were,

Messrs. Bunyan, Chapman, Culbertson, Davidson, Gooding, Grove, Hough, Humphries, LaRue, Neff, Peed, Slater, Sleeth, Smith and Wilson—15.

So the report was concurred in and the bill laid on the table.

Senate Bill No. 134. A bill authorizing the erection of gates across certain highways, declaring it to be a misdemeanor to remove or injure the same, and providing penalties therefor.

Was read a second time, the report of the Committee on Roads concurred in and the bill laid on the table.

Senate Bill No. 90. A bill to limit the powers of county boards in appropriations of sums exceeding five hundred dollars in cases where it is proposed to construct new public buildings, etc.

Was read a second time, the report of the Committee on County and Township Business concurred and the bill ordered engrossed.

Senate Bill No. 34. A bill regulating attorneys fees.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary,

Messrs. Slater and Dykeman demanded the ayes and noes.

Those voting in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Hendricks, Hough, LaRue, Sarnighausen, Sleeth, Smith, Thompson and Tobin—18.

Those who voted in the negative were,

Messrs. Cree, Dykeman, Friedley of Lawrence, Givan, Grove, Hackleman, Haworth, Humphries, Johnston of Parke, Major, Maxwell, Neff, Peed, Ringo, Scott, Slater and Wilson—17.

So the report was concurrred in and the bill indefinitely postponed.

Message from the House by Mr. Holmes, Clerk thereof.

MR. PRESIDENT :

By direction of the House I herewith present for signature the President of the Senate Enrolled House Act No. 213. An act to legalize the taxes of 1871, of the town of Auburn, in DeKalb county, Indiana, and the proceedings of proper officers in relation thereto, and declaring an emergency.

Senate Bill No. 158. A bill to amend the 5th section of an act entitled "An act to prohibit the collection of tolls on gravel, turnpike, macadamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith," approved March 5, 1859, and declaring an emergency.

Was read a second time.

The question being on concurring in the report of the Committee on Roads,

Mr. Peed moved that the bill and report do lie on the table.

Which was agreed to.

The President announced that he had signed Enrolled House Act No. 213, an act to legalize taxes for 1874 of the incorporated town of Auburn, in DeKalb county, Indiana, and the proceedings of the proper officers in relation thereto, and to empower the proper officers to collect said taxes, and declaring an emergency.

Senate Bill No. 112. A bill to create the Forty-First Judicial Circuit, to amend sections 34 and 39 of an act to divide the State into districts for judicial purposes.

Was read a second time, the report of the Committee on the Organization of Courts concurred in and the bill ordered engrossed.

Senate Bill No. 59. A bill to amend section 9 of an act entitled "An act to amend an act entitled 'an act providing for the election or appointment of supervisors of highways and prescribing certain of their duties and those of county and township officers in relation thereto,'" approved March 5, 1859, approved December 20, 1863.

Was read a second time, the report of the Committee on Roads was concurred in and the bill ordered engrossed.

Mr. Givan, from the Committee on Phraseology and Arrangement of Bills, made the following report:

MR. PRESIDENT:

The Committee on the Phraseology and Arrangement of Bills, to whom was referred Engrossed Senate Bill No. 140, entitled "An act to amend section 49, and to repeal sections 48 and 50 of an act entitled 'an act regulating general elections, and prescribing the duties of officers in relation thereto,'" approved June 7, 1852, have examined said bill and find it correctly engrossed.

Mr. Givan, from the same committee, made the following report:

MR. PRESIDENT:

The Committee on the Phraseology and Arrangement of Bills, to

whom was referred Engrossed Senate Bill No. 185, entitled "An act to amend section 1 of an act entitled 'an act to authorize township trustees of incorporated towns and cities to levy a tax for school purposes,'" approved March 9, 1867, have examined said bill and find it correctly engrossed.

Senate Bill No. 84. A bill to repeal section 55 of an act to amend an act entitled "An act to authorize and regulate the business of general banking," approved March 3, 1855, and providing for turning into the general fund certain funds therein named, and declaring an emergency.

Was read a second time.

The report of the Committee on Judiciary concurred in and the bill laid on the table.

Mr. Scott, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills, to whom was referred Senate Bill No. 40, a bill in relation to promissory notes, bank checks and bills of exchange, and to designate the holidays to be observed in the presentment, acceptance and payment of the same, and declaring an emergency, and Engrossed Senate Bill No. 87, a bill providing for the erection of fish ladders in the rivers of this State, have carefully examined the same and find the same correctly engrossed.

Mr. Smith, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have carefully examined Enrolled Senate Bill No. 168, a bill to amend section 46 of an act entitled "An act providing for the election and qualification of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, and find the same correctly engrossed.

Senate Bill No. 94. A bill to regulate the sale of proprietary or patent medicines.

Was read a second time.

The question being on concurring in the report of the Committee on Rights and Privileges of the Inhabitants of the State,

Mr. Bunyan moved that the bill and report do lie on the table.

Messrs. Givan and Bunyan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bell, Boone, Bowman, Bunyan, Cardwell, Daggy, Dykeman, Gooding, Grove, Hackleman, Harney, Hendricks, Johnston of Parke, Slater, Smith, Tobin, Wilson and Mr. President—19.

Those who voted in the negative were,

Messrs. Chapman, Cree, Culbertson, Friedley of Lawrence, Givan, Haworth, Hough, LaRue, Major, Maxwell, Neff, Oliver, Peed, Ringo, Sarnighausen, Scott, Sleeth and Thompson—18.

So the motion was agreed to and the bill and report was laid on the table.

Senate Bill No. 138. A bill in relation to the settlement of claims against decedents' estates.

Was read a second time, the report of the Special Committee on Decedents' Estates concurred in and the bill ordered engrossed.

Senate Bill No. 156. A bill to amend section 18 of an act entitled "An act concerning the partitions of land," approved May 20, 1852.

Was read a second time, the report of the Committee on Judiciary concurred in and the bill laid on the table.

Mr. Bell made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have had under consideration Engrossed Senate Bill No. 100, being a bill in relation to orders issued by cities upon their treasuries, etc., and herewith report that the same is correctly engrossed.

Senate Bill No. 169. A bill to provide for recording notices of pending suits, attachments and liens affecting real estate in certain cases.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary.

Mr. LaRue moved to amend by striking out the words "do lie on the table," and insert in lieu thereof the words "recommend that the bill do pass."

Which was not agreed to.

The report of the committee was concurred in and the bill laid on the table.

Senate Bill No. 148, to authorize appeals from the Board of Commissioners of the different counties of the State to the Circuit Court, and in regard to the filing of undertakings for costs, docketing causes, filing transcript and papers, trial of causes on such appeal, and the practice in relation thereto.

Was read a second time.

The question being on concurring in the report of the Committee on County and Township Business.

Mr. Friedley of Lawrence moved to recommit to the Committee on Judiciary.

Which was agreed to.

Senate Bill No. 265. A bill supplementary to and amendatory of an act entitled "An act to provide for a uniform assessment of

property, and for the collection and return of taxes," approved December 27, 1872.

Was read a second time, the report of the Committee on County and Township Business concurred in and the bill laid on the table.

Senate Bill No. 247. A bill to provide for the repayment of certain soldiers' bounties erroneously paid into the State treasury fund of estates without heirs, and converted into the school fund by the State's non-negotiable bonds.

Was read a second time.

The question being on concurring in the report of the Committee on Finance.

Mr. Bell offered the following amendment :

Strike out the word "assignors" in line —— of page —— and add in proper place, " Provided that when any such claim has been assigned, the Auditor shall only draw his warrant in favor of such assignee for the amount shown by him to have been paid for such assignment."

Mr. Sleeth offered the following amendment to the amendment :

Amend by striking out that portion of the amendment which provides for the payment of any portion of the money to assignors.

Which was agreed to.

The question recurring on the amendment of Mr. Bell as amended, It was not agreed to.

Mr. Friedley of Lawrence, moved to recommit the bill and report to the Committee on Claims.

Which was agreed to.

On motion, by Mr. Peed, Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY MORNING.

FEBRUARY 16, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. D. DeLaMatyr, of Robert's Park M. E. Church of Indianapolis.

Journal of yesterday read and approved.

Mr. Daggy, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT ;

The Committee on Phraseology and Arrangement of Bills report that they have carefully examined Engrossed Senate Bill No. 178, a bill requiring the officers of certain corporations therein named to make out and publish annual statements and providing penalties for the violation thereof.

And Engrossed Senate Bill No. 132. A bill to authorize any incorporated city in this State in which a harbor is situated, to lease parts of streets abutting on such harbor and to collect dockage from the lessees, and find the same correctly engrossed.

Mr. LaRue offered the following concurrent resolution :

Resolved, That a committee of thirteen be appointed, one from each congressional district of the State, to act with a like committee on the part of the House, to take into consideration the present law dividing the State into judicial circuits, and to ascertain whether the State can be redistricted so as to relieve the counties needing relief, without creating more circuits, and to report by bill or otherwise, and the House is respectfully asked to concur.

Which was adopted.

Mr. Skinner offered the following resolution :

Resolved, That all bills now pending relative to the creation of new judicial circuits, be referred to the select committee just appointed.

Which was agreed to.

Mr. Rhodes offered the following resolution :

Resolved, To amend rule first of Senate as follows : 1st, The President shall take the chair every day at precisely 9 o'clock in the forenoon, and 2 o'clock in the afternoon, unless the Senate shall by motion have adjourned to some other hour appointed by such motion. He shall immediately call the Senate to order, and on the appearance of two-thirds shall cause the journal of the preceding day to be read.

The resolution was laid over under the rule.

Mr. Harney moved to make Senate Bill No. 186, making township trustees superintendents of roads, etc., a special order for Thursday next.

Which was agreed to.

The hour of 10.30 a. m., o'clock having arrived, it being the hour for the consideration of the special order, being the contested election case of William C. Jeffries vs. William Baxter,

The President ordered the reading of the report of the majority and minority, when Mr. Sleeth moved to dispense with the reading of the reports and proceed to the reading of the evidence first.

Which was agreed to.

Pending the reading of the evidence, Mr. Smith moved that the further reading be dispensed with.

Which was not agreed to.

On motion by Mr. Rhodes, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

The reading of the evidence in the contested election case was resumed.

Message from the House by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has passed Engrossed House Bill No. 261, entitled "An act to authorize the change of county boundaries, and declaring an emergency," and the same is herewith transmitted to the Senate for its action thereon.

Also, I am directed by the House to inform the Senate that the House has passed the following Engrossed House Bill, to-wit: Engrossed House Bill No. 277. An act to amend section 16 of an act concerning promissory notes and bills of exchange, approved May 12, 1852.

Also, Engrossed House Bill No. 108, an act limiting the powers of County Commissioners.

Also, Engrossed House Bill No. 214. An act to amend section fifty of an act for the incorporation of towns, defining their powers, prescribing the manner of the election of the officers thereof, and declaring their duties, approved June 11, 1852.

Also, Engrossed House Bill No. 245. An act to amend section two of an act authorizing County Agricultural Societies to hold real estate, approved February 20, 1867, and declaring an emergency.

Also, Engrossed House Bill No. 258. An act to amend the second section of an act to amend the fifth and sixth sections of an act to provide for election of reporter and speedy publication of decisions of Supreme Court, etc.

Also, Engrossed House Bill No. 23. An act making it the duty of County Commissioners to procure at the expense of the counties

certified copies of the records affecting land in their counties from the office of the Commissioners of United States lands, etc.

Also, Engrossed House Joint Resolution No. 4, requesting our Representatives and instructing our Senators to procure the passage of a law equalizing bounties, and said Engrossed House Bills and Resolution are herewith transmitted for the action of the Senate.

Mr. Daggy, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

That they have examined Engrossed Senate Bill No. 163, a bill to amend section 2 of an act entitled "An act fixing the time of holding Circuit Courts in the Thirteenth Judicial Circuit of this State," approved March 10, 1873, and find the same correctly engrossed.

Message from the Governor by his Private Secretary :

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, February 16, 1875.

To the General Assembly :

My predecessor appointed Messrs. O. P. Cobb, of Aurora, Charles H. Meekin, of New Albany, Charles H. Mason, of Cannelton, J. A. Lempke, of Evansville, and Laz. Noble, of Vincennes, commissioners on the part of this State to co-operate with commissioners in like manner appointed for the States of Ohio, Pennsylvania, Kentucky, Illinois, West Virginia and Tennessee to secure the aid of the United States in the improvement of the Ohio river and its principal tributaries. The appointment of the commissioners from this State does not import that they shall receive any compensation for their services. They have incurred personal expenses for printing, stationery and otherwise, which they ask that you will provide for.

I submit for your consideration their memorial in which they speak of the importance of the work, of their efforts to promote it, and of the expenses which they have incurred.

I also submit a communication on this subject from Mr. Lemke, one of the commissioners, and a resolution adopted by the board, composed of the commissioners from the States above mentioned.

In view of the importance of the subject, and the advantage of co-operation with the other States that are specially interested in the improvement of the Ohio river, I respectfully recommend that a small appropriation be made towards the expenses which the commissioners must incur.

THOMAS A. HENDRICKS,

Governor.

IMPROVEMENT OF THE OHIO RIVER AND ITS TRIBUTARIES.

To the Honorable Senators and Representatives of the State of Indiana :

The undersigned, commissioners appointed in behalf of the State of Indiana in the commission for the improvement of the Ohio river and its tributaries, respectfully submit the following facts for your consideration.

The ever increasing importance of improving the navigability of the Ohio river and its tributaries, has for several years received the earnest consideration of many of the leading public men of the Mississippi Valley. In February, 1872, a convention of all persons interested in the improvement of the river was called to meet in Covington, Kentucky, which brought together many prominent business men from all the States bordering on the river, from its source to its mouth. As a result of their deliberations, a commission was planned, to be composed of five commissioners from each one of the States, viz., Pennsylvania, West Virginia, Ohio, Indiana, Kentucky, Illinois and Tennessee, to be appointed by the respective Governors of such States. In pursuance of the plan, the several Governors appointed commissioners. Governor Baker appointed the undersigned on the part of Indiana, and they have held the appointment up to the present time.

The commissioners so appointed subsequently met in Cincinnati, Ohio, and organized by electing Ex-Gov. J. K. Moorehead of Pennsylvania, President, and proceeded at once to carry forward the object for which they were chosen, viz.: To devise plans to secure the favorable action of Congress in the important matter of improving the Ohio river and its principal tributaries, with the view of cheapening transportation. In furtherance of this purpose, measures were taken to ascertain as nearly as possible the best method of effecting so desirable an object, and the prominent facts concerning the vast demands of the trade and commerce in the district of country bordering on these rivers, and to present them before Congress to show the proposed improvement of the great arteries of traffic and travel, and the necessity for making adequate appropriations to render their navigation commensurate with the demands for transportation through their several channels.

The Commissioners have held meetings every few months to further these aims. They have memorialized Congress twice. They have held meetings in Washington City and appeared before the Congressional Committees having charge of such affairs, and laid before them a vast array of facts bearing upon the proposed improvement. They have secured some favorable action on the part of Congress, yet much remains to be done.

The Ohio River, it will be seen, forms the southern boundary of the State of Indiana, and furnishes an outlet or means for moving a very large proportion of the products of the southern half of the State, amounting, it is estimated, annually to forty or fifty million dollars, to say nothing of the increasing traffic. This is sufficient to show the great value of the river to the people of that section of the State as a means of transportation for their production.

These facts are submitted to inform you of the labors imposed on and excepted from the Commissioners, and to enable you to judge of the importance of continuing their existence.

The State of Indiana is equally interested with the other six States in the proposed improvement, and her co-operation with them in the movement may be regarded as due to them on the ground of comity aside from the public benefits to accrue from it.

The undersigned Commissioners have hitherto borne their own expenses in attending meetings of the commission besides contributing per capita to pay the general expenses for printing, stationery, etc. In all the other States interested, appropriations have

been made to defray the actual expenses incurred by their respective Commissioners, and justice to us would seem to require that a limited appropriation be made by you to reimburse us for such necessary expenses as may have been, or may hereafter be incurred in the discharge of our respective duties.

Respectfully submitted,

O. P. COBB, of Aurora.

CHAS. H. MEEKIN, of New Albany,

CHAS. H. MASON, of Cannelton,

J. F. LEMPKE, of Evansville,

LAZ. NOBLE, of Vincennes,

Commissioners.

Copy of communication to the Governor:

Evansville, Ind., December 26, 1874.

SIR:—Conrad Baker, when Governor of Indiana, appointed an Ohio river commission consisting of five members, to look after the improvement of the Ohio through Federal legislation. The said commissioners, together with similar commissioners from Pennsylvania, Ohio, Kentucky and Illinois, have since then persistently kept the subject before Congress, and have obtained valuable and practicable results, and a feeling of encouragement prevails amongst them, but they need money to pay traveling expenses, stationery and postage. Thus far all such disbursements have come from their own pockets, and while they are willing to continue giving the State their time and work gratis, they are not disposed further to pay necessary expenses attending meetings, etc. I would, therefore, for myself and the other members of the commission ask of your Excellency, if compatible with your views, to recommend to the Legislature an appropriation of two or three thousand dollars for the foregoing purpose. Pennsylvania and Ohio both have appropriated money for their commissions.

Very respectfully,

J. A. LEMPKE,

Committee for Improvement Ohio River.

To His Excellency Governor Hendricks.

COPY OF RESOLUTION.

WHEREAS, The State of Pennsylvania and Ohio represented on this commission have, through their legislation, appropriated respectively the sums of \$3,000 and \$2,000 for the purposes of meeting the actual expenses of the commissioners representing them; and,

WHEREAS, The other States represented on said commissioners, have made no like appropriation; therefore be it

Resolved, That the Legislatures of the States of Indiana Illinois, Kentucky, Tennessee and West Virginia be requested through the commissioners representing them in this board to enact such legislation as will secure an equal financial status to their commissioners.

The question being on concurring in the majority report of the Election Committee,

Mr. Sleeth moved to reconsider the vote whereby the hour of 10 o'clock a. m. to-morrow was agreed upon as the time of taking the vote.

It was agreed to.

Mr. Sleeth offered the following resolution:

Resolved, That the Senate will come to a vote on the question now before the Senate on to-morrow before the evening adjournment.

Mr. Bell moved to amend by making the time for taking the vote before six o'clock p. m. to-morrow.

Which was agreed to.

The resolution as amended was then adopted.

On motion, by Mr. Boone, the Senate adjourned.

LEONIDAS SEXTON,

President of the Senate.

WEDNESDAY MORNING.

FEBRUARY 17, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. H. B. Naylor of the Meridian Street M. E. Church.

Pending the reading of Journal,

Message from the House by Messrs. Heller and Forkner members thereof:

MR. PRESIDENT:

The time having arrived for the Joint Convention as fixed by the joint resolution of the two Houses of the General Assembly, we are directed by the House of Representatives to inform the Senate that the House is ready to receive the Senate.

Mr. Gooding moved that the further reading of the Journal be dispensed with and that the Senate proceed immediately to the Hall of the House.

Which was agreed to.

The Senate, preceded by the President, repaired to the Hall of the House.

JOINT CONVENTION.

The Joint Convention was called to order by the President of the Senate, who announced that the two houses have met in joint convention, pursuant to a concurrent resolution to elect three Directors of the Prison North, two Directors of the Prison South, one

Trustee of the Deaf and Dumb Asylum, one Trustee of the Soldiers' Orphans' Home, one Trustee of the Insane Asylum, and one Librarian of State.

The President ordered a call of the Senate.

The following Senators answered to their names :

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Rhodes, Ringo, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Stockslager, Thompson, Tobin, Underwood, Wilson and Winterbotham—50.

The President then ordered a call of the House of Representatives.

The following Representatives answered to their names :

Messrs. Anderson, Arnold, Barney, Bellows, Bence, Brown of Jasper, Brown of Rush, Burson, Caldwell, Cantley, Charters, Clark, Collins, Crane, Crumpacker, Dale, Darnall, Davidson, Davis, Edwards, Emerson, Evans, Favorite, Forkner, Fulk, Gilbert, Glasgow, Gossman, Harris of Madison, Harris of Wayne, Havens, Haynes, Highway, Heller, Henderson, Hopkins, Horn, Jackson, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Marion, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Law, Leeper, Lincoln, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Miller of Vanderburgh, Montgomery, Morgan, McCord, McFadden, McMichael, Nash, Osborn, Patterson, Pyeatt, Pfafflin, Ramsey, Ratliff, Ragan, Reddick, Reeder, Reno, Ribble, Romine, Roseberry, Shaffer, Shaw, Shortridge, Shugart, Smith, Snyder, Taylor of Daviess, Taylor of Tipton, Thomas, Thompson of Henry, Thompson of Marion, Trusler, Twibill, Walz, Washburn, Waterman, Willett, Williams of Brown, Williams of Lawrence, Woody, Wynn and Mr. Speaker—96.

The President announced that nominations for three Prison Directors, North, were now in order, to be voted for separately.

Mr. Bell put in nomination W. G. Pratt, of the county of Allen.

Mr. Thompson of Henry, put in nomination Wm. Reiman, of the county of Henry.

The President ordered the call of the roll.

Those on the part of the Senate who voted for Wm. T. Pratt were,

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

Those on the part of the Senate who voted for William Reiman were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Those who voted on the part of the House for W. T. Pratt were,

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

Those who voted on the part of the House for William T. Reiman were,

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk,

Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfaffin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—47.

Whole number of votes cast...	148
Necessary to a choice.....	75
W. T. Pratt received.....	80
William Reiman received.....	68

Mr. Pratt having received a majority of all the votes cast was declared by the President duly elected one of the Directors of the Prison, North, for the term prescribed by law.

For Prison Director, North, Mr. Willett put in nomination H. E. Wadsworth, of the county of Laporte.

Mr. Cardwell put in nomination John W. Jameson, of the county of Tippecanoe.

Those on the part of the Senate who voted for Mr. Wadsworth were,

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

Those on the part of the Senate who voted for Mr. Jameson were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Those who voted on the part of the House for Mr. Wadsworth were,

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davidson Davis,

Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnson of Dearborn, Keightley, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

Those who voted on the part of the House for Mr. Jameson were,

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Highway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

Whole number of votes cast.....	148
Necessary to a choice.....	75
Mr. Wadsworth received.....	80
Mr. Jameson received.....	68

Mr. Wadsworth having received a majority of all the votes cast, was declared by the President duly elected one of the Directors of the Prison North, for the term prescribed by law.

For Director of the Prison, North, Mr. Bell put in nomination Theodore Davenport of the county of Kosciusko.

. Mr. Thompson of Henry put in nomination Allen Smith of the county of Wabash.

Those who voted, on the part of the Senate, for Mr. Davenport were,

Messrs. Bel, Boone, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks,

Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—24.

Those who voted, on the part of the Senate, for Mr. Smith were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—26.

Those who voted, on the part of the House, for Mr. Davenport were,

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Redick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

Those on the part of the House who voted for Mr. Smith were,

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

Whole number of votes cast.....	148
Necessary to a choice.....	75
Mr. Davenport received	81
Mr. Smith received	67

Mr. Davenport having received a majority of all votes cast was declared by the President duly elected one of the Directors of the Prison North, for the term prescribed by law.

The President announced nominations for two Directors of the Prison South, now in order to vote for separately.

Mr. Johnson put in nomination James Keigwin, of the county of Clark.

Mr. Cardwell put in nomination Daniel Brewer, of the county of Johnson.

Those who voted on the part of the Senate for Mr. Keigwin were,

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

Those who voted on the part of the Senate for Mr. Brewer were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Those on the part of the House who voted for Mr. Keigwin were,

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborne, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

Those on the part of the House who voted for Mr. Brewer were,

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

Whole number of votes cast.....	148
Necessary to a choice.....	75
James Keigwin received.....	80
Daniel Brewer received.....	68

James Keigwin, having received a majority of all the votes cast, was declared by the President duly elected one of the Directors of the Prison South, for the term prescribed by law, to succeed John Kirk.

For Director of the Prison South, Mr. Peed put in nomination William P. Hammond, of the county of Martin.

Mr. Cardwell put in nomination Luke Thomas, of the county of Wayne.

Those who voted on the part of the Senate for William P. Hammond were,

Messrs. Bell, Boone, Bowman, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

Those who voted on the part of the Senate for Luke Thomas were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Those who voted on the part of the House for Mr. Hammond were,

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davidson, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

Those who voted on the part of the House for Mr. Thomas were,

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburgh, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

Whole number of votes cast.....	148
Necessary to a choice.....	75
Mr. Hammond received.....	80
Mr. Thomas received.....	68

Wm. P. Hammond, having received a majority of all the votes cast, was declared by the President duly elected one of the Directors for the Prison South, for the term prescribed by law, to succeed B. F. Hill.

Nominations for Trustees of the Deaf and Dumb Asylum were declared in order.

Mr. Bell put in nomination Dr. Milton James, of the county of Delaware,

Mr. Cardwell put in nomination Henry S. Slinkerd, of the county of Greene.

Those who voted on the part of the Senate for Henry S. Slinkerd were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—23.

Those who voted on the part of the Senate for Milton James were,

Messrs. Bell, Boone, Bunyan, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—24.

Those on the part of the House who voted for Mr. Slinkerd were,

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburg, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

Those on the part of the House who voted for Mr. James were,

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnson of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry,

Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

Whole number of votes cast.....	148
Necessary to a choice.....	75
Mr. James received.....	81
Mr. Slinkerd received.....	67

Mr. Milton James having received a majority of all votes cast, was declared by the President duly elected Trustee of the Deaf and Dumb Asylum, for the time prescribed by law.

Nominations for Trustee for Soldiers' Orphans' Home being next in order,

Mr. Skinner put in nomination George W. Sanford of the county of Lake.

Mr. Thompson of Henry, put in nomination J. W. Carmichael of the county of Green.

Those who voted on the part of the Senate for George W. Sanford were,

Messrs. Boone, Bell, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner Slater, Smith, Stockslager, Wilson and Winterbotham—24.

Those who voted on the part of the Senate for J. W. Carmichael were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—26.

Those who voted on the part of the House for Mr. Geo. W. Sanford were,

Messrs. Ames, Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Cardwell, Cantley, Charters, Collins, Crane, Crumpacker, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborne, Pate, Patterson, Pyeatt, Pfaffin, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—60.

Those who voted on the part of the House for Mr. Carmichael were,

Messrs. Anderson, Brown of Jasper, Charters, Clark, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Parke, Miller of Vanderburg, Morgan, McFadden, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—38.

Whole number of votes cast.....	148
Necessary to a choice.....	75
George W. Sanford received.....	84
J. W. Carmichael received.....	64

Mr. George W. Sanford having received a majority of all the votes cast was declared by the President duly elected Trustee for the Soldiers' Orphans' Home for the term prescribed by law.

Nominations for Trustee of the Insane Asylum next being in order,

Mr. Dykeman put in nomination John T. Richardson, of the county of Carroll.

Mr. Cardwell put in nomination Dr. Wm. A. Pugh, of the county of Rush.

Those who voted on the part of the Senate for J. T. Richardson were,

Messrs. Bell, Boone, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—24.

Those who voted on the part of the Senate for Dr. Wm. A. Pugh were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—26.

Those who voted on the part of the House for J. T. Richardson, were

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Cardwell, Cantley, Collins, Crane, Davison, Davis, Edwards, Evans, Gilbert, Gossman, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightly, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Montgomery, McCord, McMichael, Nash, Osborn, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Taylor of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—57.

Those who voted on the part of the House for Mr. Pugh were,

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Glasgow, Harris of Wayne, Heighway, Jackson, Kennedy of S. J.—40

Montgomery, Kennedy of Morgan, Lauham, Lincoln, Miller of Parke, Miller of Vanderburg, Morgan, McFadden, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shortridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—41.

Whole number of votes cast.....	148
Necessary to a choice.....	75
John T. Richardson received....	81
Wm. A. Pugh received.....	67

John T. Richardson having received a majority of all the votes cast was declared by the President duly elected Trustee for the Asylum of the Insane for the term prescribed by law.

Nominations for State Librarian being next in order,

Mr. Davis of Floyd put in nomination Lyeurgus Dalton of the county of Lawrence.

Mr. Cardwell put in nomination Mrs. Sarah A. Oren, of the county of Marion.

Those who voted on the part of the Senate for L. Dalton were,

Messrs. Bell, Boone, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Maxwell, Peed, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

Those who voted on the part of the Senate for Mrs. S. A. Oren were,

Messrs. Beardsley, Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Hawthorth, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Ringo, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—27.

Those who voted on the part of the House for Mr. Dalton were,

Messrs. Arnold, Barney, Bellows, Bence, Brown of Rush, Burson, Caldwell, Cantley, Collins, Crane, Davison, Davis, Edwards,

Evans, Glasgow, Harris of Madison, Havens, Haynes, Heller, Henderson, Hopkins, Horn, Johnson of Carroll, Johnston of Dearborn, Keightley, Kennedy of Marion, Law, Leeper, Martin of Franklin, Martin of Wells, Marvin of Boone, Marvin of Fountain, Megenity, Miller of Parke, Montgomery, McCord, McMichael, Nash, Pate, Patterson, Pyeatt, Ramsey, Reddick, Reno, Romine, Roseberry, Shaw, Snyder, Tayler of Daviess, Thompson of Marion, Walz, Washburn, Waterman, Willett, Williams of Brown and Mr. Speaker—56.

Those who voted on the part of the House for Mrs. Sarah A. Oren were,

Messrs. Ames, Anderson, Brown of Jasper, Charters, Clark, Crumpacker, Dale, Darnall, Emerson, Favorite, Forkner, Fulk, Gilbert, Glasgow, Harris of Wayne, Highway, Jackson, Kennedy of Montgomery, Kennedy of Morgan, Lanham, Lincoln, Miller of Vanderburg, Morgan, McFadden, Osborn, Pfafflin, Ratliff, Ragan, Reeder, Ribble, Shaffer, Shertridge, Shugart, Smith, Taylor of Tipton, Thomas, Thompson of Henry, Trusler, Twibill, Williams of Lawrence, Woody and Wynn—42.

Whole number of votes cast	148
Necessary to a choice.....	75
Lycurgus Dalton received.....	79
Mrs. Sarah A. Oren received.....	69

Lycurgus Dalton, having received a majority of all the votes cast, was declared by the President duly elected Librarian of State, for the time prescribed by law.

The President announced that the business for which the Joint Convention had been called was now concluded, and the Joint Convention stood adjourned without day.

The Senators then returned to their hall.

The President in the chair.

Mr. Bell, from the Committee on Phraseology and Arrangement of Bills, made the following report :

Senate Bill No. 204. A bill providing for the location and erection of two asylums for the insane, and providing for the management thereof, that they have examined the same and find it correctly engrossed.

Message from the Governor by his Private Secretary.

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, February 17, 1875.

To the General Assembly:

I have been requested to lay before you certain documents in relation to the manufacture of polished plate glass in this State, and in relation to the tax proper to be imposed upon that quality of glass when imported into the United States. The documents are:

1st. A letter to myself from W. C. DePauw, Esq., under date of February 4, 1875.

2d. A resolution adopted at a meeting of Indiana manufacturers held in Indianapolis on the second and third days of February, 1875.

3d. A copy of a memorial to Congress at the present session by Jesse J. Brown, Esq., of New Albany, Indiana.

4th. A copy of a letter from Mr. DePauw to Hon. O. P. Morton, of date January 4, 1875.

The object of the parties interested in having these documents presented is that your attention may be called to the extent and importance of the manufacture of polished plate glass in this State, and that if you deem it proper you may make some declaration that will benefit the interest in its consideration in Congress. In considering what, if any, expression you may make favorable to this interest of our State, I call your attention to the facts that the enterprise was hazardous and required a large investment of capital; that it has resulted in individual loss, but that its production has been of great excellence; that heavy plate glass is a costly article, but that

the greater part of its value is from the 'expenditure of skill and labor in its manufacture, and that its production gives employment to a large number of artisans and laborers.

THOS. A. HENDRICKS,

Governor.

DOCUMENT NO. 1.

[Letter from W. C. DePauw.]

Indianapolis, February 4, 1875.

To His Excellency, Thos. A. Hendricks,

Governor of Indiana:

DEAR SIR:—I have the honor of laying before you a memorial from J. J. Brown of New Albany, Indiana, to the Congress of the United States, asking Congress to properly protect the manufacture of American plate glass; also, a letter written by myself to Hon. O. P. Morton on the same subject. These documents were considered of such public importance as to be printed by order of the United States Senate. The convention of manufacturers of Indiana, representing very large interests, assembled in this city yesterday, without my solicitation or expectation unanimously passed the preamble and resolution of which I enclose you a copy. It was also ordered by the convention that the Secretary transmit said resolution to each of our Representatives and Senators in Congress. In this great struggle against the combined interests of Europe in this department of manufacture, kind words of cheer and encouragement from the Governor and Representatives of my native State would be very grateful as well as of great advantage to me.

And if the Legislature should, with your approval, ask Congress to give fair, just and necessary protection by tariff duties and the honest enforcement of the same to the manufacturers of polished plate glass, America will in a few years make her own plate glass, thus adding many tens of millions to her wealth and tens of thousands to the number of her skilled workmen and employment to many of her now idle laborers.

I am your obedient servant,

W. C. DEPAUW.

DOCUMENT NO. 2.

[Copy of resolutions of Indiana manufacturers.]

WHEREAS, The plate glass works, at New Albany, Indiana are the only works in America that are successfully making polished plate glass ; therefore,

Resolved, As the sense of this meeting that this important branch of manufacturing ought to be encouraged by such tariff duties as will enable American manufacturers to successfully compete with foreign plate glass makers.

Introduced by Hon. M. D. Manson, and passed unanimously.

DOCUMENT NO. 3.

[Memorial of Jesse J. Brown in favor of protection and encouragement of the manufacture of polished plate glass.]

NEW ALBANY, IND., JANUARY 4, 1875.

To the Senate and House of Representatives :

While in Vienna, in the summer of 1873, attending the Exposition, I received from W. C. DePauw, Esq., of this city, manufacturer of plate glass, a communication requesting me to obtain some special information pertaining to the subject. In pursuit of this information I visited some of the most extensive manufactories of glass in Germany, Belgium, France and England. Among other matters of interest, I was greatly surprised at the amount of capital invested in this branch of productive industry, in many establishments amounting to millions in a single manufactory, and sometimes employing a thousand hands. I found in Germany one establishment of very large capital, owned and controlled exclusively by French capital. Their market for the product of the works was nearly altogether continental, making but very limited shipments to this country, and seemingly uninformed as to the great and increased demand for plate glass on this side of the Atlantic. In these works, however, I found the wages paid very much less than with us. The first establishment I visited in Belgium I found great

difficulty in getting access to, and after admission was frankly told that their trade was nearly all from North America, and that they must decline giving me any information which would in any particular be valuable to what might be a competitor. I stated to one of the proprietors frankly for what object I visited his works, and that I should indulge in no hard feelings if I was denied what I sought, when he respectfully refused to communicate any information on the question propounded.

I learned, however, that his order book was full for six months work. When I reached France, through letters from our minister, Hon. E. B. Washburne, I was at once introduced to parties controlling the largest production of plate glass in the world. The office is headquarters of a combination of several large establishments of Germany, Belgium and France, being united at Paris. After a long and very interesting interview with the general agent at this office on the production and manufacture of glass, I proposed to him the consideration of uniting with a few gentlemen of capital to prosecute and develop the interests in the United States, assuring him that the requisite amount of money would be furnished from their organization. To this suggestion I at once received the reply that until we had density of population equal to the different portions of Europe, where this great industry was so successfully carried on, we could not hope to successfully compete with them, as the difference in the price of labor with us was in itself, without any other consideration, a fair profit.

In presenting the subject with reference to the great advantages possessed by us, such as the great abundance of crude material, cheap fuel, etc., I also mentioned that until we could be placed on something like an equal footing in this country with the foreign production, that with a proper and truthful representation to the Government I thought we could have such protection as this great increasing interest should require for its full development and success in an adjustment of the tariff as far as it was fair and judicious to all interests.

This suggestion was met with apparent indifference, and with the remark that they cared nothing for our tariff, that the many advantages they had would overcome any duty we should probably impose. To my reply that I saw no way in which we could have a fair compensation in our own market except to come home and work for an increased duty, the reply was that shippers understood how to evade tariffs. In making the foregoing statement I do so without

any personal, present, or remote interest in the manufacture of glass, direct or otherwise, and do it with a sincere desire that this great interest, for which we as a nation are paying to other countries millions annually, may receive such encouragement that those who are now striving to supply our wants may be crowned with success in their efforts to successfully compete with the foreign article.

JESSE J. BROWN.

Subscribed and sworn to before me this 12th day of Jan-
[SEAL.] uary, 1875.

WILLIAM J. HISEY,

Notary Public Floyd Co., Ind.

DOCUMENT NO. 4.

[Letter of Mr. DePauw to Hon. O. P. Morton.]

STAR GLASS COMPANY,

NEW ALBANY, IND., January 4, 1875.

My Dear Governor:

Millions have been lost in America in attempts to make polished plate glass. Every effort has proven disastrous, and ruin only has been the result by those engaged in it. Over one hundred millions is invested abroad in its manufacture.

The agents in America are wealthy and powerful; the foreign masters say publicly and defiantly, "we have had a long and profitable trade in America, we can afford and will sell glass for years at a loss rather than yield this trade to American manufacturers."

The American sellers say they will sell glass at a heavy loss, and intimate a determination to do so until all Americans who make it are crushed. As you know I am making plate glass here, have over a million of dollars invested therein, and am fighting this battle for America and Americans solitary and alone. My losses thus far have aggregated over \$300,000, but this year, I am glad to say, are reduced to \$35,000, against a loss of \$102,000 in 1873; and with such aid as I am fairly entitled to from the Government, I can

win this battle for America, and put on a permanent basis a business that in a few years will employ tens of thousands of men, and reduce our imports many millions of dollars.

A reduction of duty would be death to this and all other attempts in America, but if the law be modified as more effectually to guard against frauds, present duties slightly increased as below, if honestly collected, will protect American manufacturers.

The opinion is very wide spread that under the present system of rebate and drawback the Government gets but a small part of the duty. If, therefore, the law be so modified as that all glass under 24 by 60 should pay $22\frac{1}{2}$ cents per square foot, and all over 24 by 60 should pay 45 cents per square foot, present tariff, without any rebate, drawback, or deduction of any kind, or pretense, or for any actual breakage or otherwise, I think the revenue would be doubled and American manufacturers fairly protected. My friends here and elsewhere are urging me to ask the present Congress to modify the law as above indicated. Will you please give me your opinion as to the propriety of so doing, and the probability of success? As to our works, I respectfully refer you to the Hon. M. C. Kerr, and I ask your attention to the accompanying affidavit of Hon. J. J. Brown.

Yours, very truly,

W. C. DEPAUW.

Gov. Morton, United States Senate,

Washington, D. C.

On motion by Mr. Chapman, the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

The question, on adjournment, being the resolution and report of the majority of the Committee on Elections, in the contested case of William C. Jeffries vs. William Baxter.

Mr. Friedley of Lawrence moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the resolution by the majority of the Committee on Elections and concurring in the report of said committee,

Messrs. Bell and Haworth demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, Neff, Oliver, Rhodes, Ringo, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—26.

Those who voted in the negative were,

Messrs. Bell, Bowman, Cree, Culbertson, Davidson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Major, Maxwell, Peed, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—23.

So the resolution was adopted and the majority report of the committee concurred in.

Mr. Friedley of Lawrence moved to reconsider the vote whereby the resolution was adopted and the report of the committee concurred in, and to lay that motion on the table.

Messrs. Slater and Harney demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bunyan, Cardwell, Chapman, Daggy, Friedley of Lawrence, Friedley of Scott, Gooding, Hackleman, Haworth, Hough, Howard, Johnston of Parke, LaRue, Neff, Oliver, Rhodes, Roe, Scott, Sleeth, Thompson, Tobin and Underwood—25.

Those who voted in the negative were,

Messrs. Bell, Boone, Bowman, Cree, Culbertson, Dykeman, Givan, Grove, Harney, Henderson, Hendricks, Humphries, Johnson of Floyd, Major, Maxwell, Peed, Ringo, Sarnighausen, Skinner, Slater, Smith, Stockslager, Wilson and Winterbotham—24.

So the motion was agreed to.

On motion, by Mr. Chapman, the Senate adjourned.

LEONIDAS SEXTON,

President of the Senate.

THURSDAY MORNING.

FEBRUARY 18, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. F. C. Holliday, Presiding Elder of the Indianapolis M. E. Church.

Journal of yesterday read and approved.

The hour of 10:30 o'clock having arrived, it being the hour for the consideration of the special order, being Senate Bill No. 15, a bill to regulate the sale of intoxicating liquors, to provide against drunkenness, prescribing penalties, to repeal all laws contravening the provisions of this act, and declaring an emergency.

On motion, by Mr. Peed, the special order was postponed until 11 o'clock,

That Standing Committees may make reports.

Mr. Bell, from the Committee on Judiciary, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred House Bill No. 164, being a bill to amend section 74 of an act to revise, simplify and abridge the rules of practice, etc., in the courts of this State, have had the same under consideration and the majority of the Committee have directed me to report the bill back with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Bell, from the same committee, made the following report :

MR. PRESIDENT :

The Committee to whom was referred Senate Joint Resolution No. 10, being a resolution proposing amendments to the Constitution of Indiana, have had the same under consideration and a majority of the Committee have directed me to report the resolution back with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Bell, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 176, being a bill to amend sections 1, 2, 4 and 15, of an act to limit the number of grand jurors, etc., have had the same under consideration, and have directed me to report the bill back to the Senate with the recommendation that the same lie upon the table for the following reasons :

That the same subject and matter is corporated in a bill already reported upon and in advance of this bill on the calendar.

Was placed on the calendar.

Mr. Bell, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 234, being an act to amend section 575 of an act to revise, simplify, etc., the rules of practice, etc., approved June 18, 1852, have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that the following amendments be made, viz :

That the following words in the 17th and 18th line in the first section, to wit : "and in such case no opinion need be written or filed " be stricken out and in lieu thereof insert the following, viz : "and in such case each judge shall give his written opinion of each point in the case arising upon the record which be reported covering the cases decided by the Supreme Court," and that when so amended the bill do pass.

Was placed on the calendar.

Mr. Bunyan made the following report :

MR. PRESIDENT :

Your Committee on Roads, to whom was referred Engrossed House Bill No. 190, entitled "An act to amend the fifth section of an act entitled 'an act to prohibit the collection of tolls on gravel, turnpikes, macadamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith,' " approved March 5, 1859, and declaring an emergency, have had the same under consideration and recommend its passage.

Was placed on the calendar.

Mr. Bowman, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 290, a bill to amend section 17 of an act entitled "An act containing several provisions regarding landlords, tenants, lessors and

lessees," approved May 20, 1852, have had the same under consideration and instructed me to report the same back to the Senate with the following amendments, to-wit: Strike out lines 18 and 19 of section 1, and insert in lieu thereof the following: "Not more than his part where the rent is to be paid in part of the crops raised, and in other cases not more than one-half the crops growing or matured," and when so amended they recommend its passage.

Was placed on the calendar.

Mr. Bowman, from the same committee, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 292, a bill to amend the law for the incorporation of cities, have had the same under consideration and have directed me to report the same back to the Senate with the following amendment:

Strike out the second section of the bill, and when so amended recommend its passage.

Was placed on the calendar.

Mr. Hendricks, from the Committee on Banks, made the following report:

MR. PRESIDENT:

The majority of the Committee on Banks, to whom was referred Senate Joint Resolution No. 11, a joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a law providing for the retirement of National Bank currency, and the substitution instead thereof the Legal-Tender Treasury notes of the United States, have had the same under consideration and directed me to report the same back to the Senate with the recommendation that the same be amended by adding the following additional resolution:

Resolved, That the Governor be requested to transmit a copy of

the foregoing resolution to each of our Senators and Representatives, and when so amended they recommend the adoption of said resolution.

Was placed on the calendar.

Mr. Slater, from the Committee on Claims, made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claims of James B. Smith for paving Meridian street in front of University Square and the Blind Asylum, have had the same under consideration and recommend that the same be allowed and incorporated in the specific appropriation bill.

The question being on concurring in the report of the Committee on Claims,

Messrs. Chapman and Givan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bowman, Culbertson, Daggy, Friedley of Lawrence, Hackleman, Harney, Haworth, Henderson, Hendricks, Johnston of Parke, LaRue, Major, Oliver, Ree, Scott, Skinner, Slater, Thompson and Winterbotham—20.

Those who voted in the negative were,

Messrs. Bearss, Bell, Boone, Bunyan, Cardwell, Chapman, Cree, Davidson, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Howard, Humphries, Johnson of Floyd, Maxwell, Neff, Peed, Rhodes, Ringo, Sarnighausen, Smith, Tobin, Underwood and Wilson—26.

So the report was not concurred in.

Mr. Johnston of Parke moved to recommit the claim to a select committee.

Mr. Dykeman moved to amend by instructing said committee to require an itemized account.

Which was agreed to.

The motion as amended was then agreed to, and the President appointed as said select committee Messrs. Dykeman, Johnston of Parke, and Harney.

Mr. Boone, from the Committee on Temperance, made the following report :

MR. PRESIDENT :

The Committee on Temperance, to whom was referred Senate Bill No. 27, a bill to regulate and license the sale of intoxicating liquors, and to prevent the evils resulting from the sale thereof, etc., have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate without recommendation, because the main provisions thereof are embodied in a House bill which has already passed that body, and is now in the possession of the Senate for its action. This committee further states that a majority of said committee have already reported to the Senate a substitute for Bill No. 15, embodying the opinions of said majority upon the subjects involved in the bill herewith returned to the Senate.

Was placed on the calendar.

Mr. Boone, from the Joint Committee on Titles, made the following report :

MR. PRESIDENT :

The Joint Committee on Titles, to whom was referred Senate Bill No. 62, a bill empowering the board of trustees of any corporation in this State, by ordinance to prohibit the sale, etc., have had the same under consideration, and have instructed me to report the same back with the following amendment to the title of the bill, and insert in lieu thereof the following :

"No. 63. A bill regulating the vending or giving away spirituous liquors in incorporated towns, fixing penalties for the violation of certain ordinances on that subject, defining the powers and duties of the trustees of such towns in relation thereto, and providing for the collection of such penalties, and recommend that the same be made the title to said bill.

Which was concurred in.

Mr. Peed, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 274, being an act entitled "An act to repeal section 2 of an act to secure dues from private corporations and extend their immunities to all citizens who may organize on the same terms," approved February 25, 1859, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it be laid on the table.

Was placed on the calendar.

Mr. Bell from the same committee made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 145, being a bill for an act to enable executors or administrators to enforce partition of lands, etc., have had the same under consideration and a majority of the committee have directed me to report the same back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Oliver, from the Committee on Public Buildings, made the following report:

MR. PRESIDENT:

Your Committee on Public Buildings, jointly with the Committee
S. J.—41

on the part of the House, to whom was referred the report of the Special Joint Committee to procure plans for a State House; and also, Senate Bill No. 202, to authorize and provide for the erection of a new State House, have had the subject under consideration and we do not think it necessary to agree that a State House is necessary or that the State is able to build, but having examined the bill referred to us have agreed to return it unaltered, and unanimously recommend its passage.

Was placed on the calendar.

Mr. Wilson, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills report that they have compared Senate Bill No. 191, a bill to amend section fifty-one of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Court of Common Pleas, and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873, and declaring an emergency, with the engrossed copy, and find the same correctly engrossed.

Mr. Boone, from the Committee on Judiciary, made the following report:

MR. PRESIDENT:

The Committee on Judiciary, to whom was referred Senate Bill No. 260, a bill declaring animals of the dog kind personal property, defining the rights of ownership in them, etc., have had the same under consideration and have instructed me to report the same back to the Senate with a recommendation that the same be indefinitely postponed.

Was placed on the calendar.

Mr. Dykeman presented a petition from the citizens of Cass county on the subject of taxing life insurance policies, accompanied by the following resolution:

Resolved, That the petition from the citizens of Cass county on the subject of repealing section 8 of chapter 93, of the law of life insurance be referred to the Committee on Insurance with instructions to inquire into and report to the Senate what laws and measures are necessary to protect the policy holders of foreign life insurance companies doing business in this State against the arbitrary and indiscriminate assessment made against such policy holders for taxes pretended to be assessed against said companies by the law of this State, thus making an oppressive discrimination against the policy holders of this State, making the domestic policy holders liable not only for all the taxes of this State, but also their proportion of all the other taxes paid by such insurance.

The question being on the adoption of the resolution,

Messrs. Dykeman and Humphries demanded the ayes and noes.

Those who voted in the affirmative were

Messrs. Baxter, Bearss, Cardwell, Chapman, Cree, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Hackleman, Harney, Haworth, Henderson, Howard, Humphries, Johnsten of Parke, LaRue, Major, Neff, Roe, Sarnighausen, Scott, Skinner, Slater, Smith, Thompson, Tobin, Wilson and Winterbotham—31.

Those who voted in the negative were,

Messrs. Beardsley, Bell, Boone, Bowman, Bunyan, Culbertson, Davidson, Grove, Hendricks, Johnston of Parke, Maxwell, Peed, Rhodes, Ringo, Sleeth and Underwood—16.

So the resolution was adopted.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Friedley of Lawrence, a petition on temperance from citizens of Monroe county, was referred to the Committee on Temperance without reading.

By Mr. Johnson of Floyd, a petition from the citizens of Clark

county on the same subject, was referred to the Committee on Temperance without reading.

By Mr. Sarnighausen, a petition on the same subject by citizens of Wells county, was referred to the Committee on Temperance without reading.

By Mr. Underwood, a petition on the same subject from the from the citizens of Grant county, was referred to the Committee on Temperance without reading.

By Mr. Bearss, a petition from the citizens of Miami county on the subject of gravel roads, was read and referred to the Committee on Roads.

By Mr. Neff, a petition from the citizens of Randolph county on the subject of temperance.

Also, by Mr. Neff, a petition on the same subject from the citizens of Ohio county, was referred to the Committee on Temperance without reading.

By Mr. Henderson, on the subject of Temperance from the citizens of St. Joseph county, was referred to the Committee on Temperance without reading.

By Mr. LaRue, a petition from citizens of Tippecanoe county on the subject of protection to fish, was read and referred to the Committee on Judiciary.

Mr. Skinner offered the following resolution :

WHEREAS, Aaron N. Hart, of Lake county, State of Indiana, on the 27th day of July, 1868, purchased from the State the north half of the south-east quarter of section 12, township 36, in range 9, containing 80 acres, and the south-east quarter of the south-east quarter of section 3, township 34 in range 8, containing 40 acres, for which he paid at the rate of \$1.25 per acre, amounting to the sum of \$150, as shown by accompanying certificate of purchase, numbered respectively 2,275 and 2,279. And

WHEREAS, On the 19th day of January, 1854, and on the 1st day of November, 1865, these several tracts were patented to other purchasers, thus rendering it impossible for the said Hart to obtain a good title, as is further shown by a transcript filed herewith from the record in the office of the Secretary of State ; therefore, be it

Resolved, That the same be referred to the Committee on Claims, with instructions to examine said claim, and if found correct to report the same for payment in the specific appropriation bill.

Which was adopted.

Mr. LaRue introduced

Senate Bill No. 303. A bill declaring the sale, or offering or holding for sale fish inhabiting or frequenting the lakes, rivers, ponds or streams in the State a misdemeanor, and prescribing penalties therefor.

Was read a first time and referred to the Committee on Judiciary.

Message from the Governor by his Private Secretary.

EXECUTIVE DEPARTMENT,

INDIANAPOLIS, February 18, 1875.

To the General Assembly :

On the 14th day of February, 1874, I received from Hon. William A. Richardson, then Secretary of the Treasury of the United States, a communication asking that I recommend to you the passage of a general law ceding to the United States jurisdiction in all cases of sites of light houses and other aids to navigation, built on submerged foundations, and when the land under water is owned by the State, providing for the cession to the United States of the land.

Also, I respectfully submit herewith a copy of that communication that you may determine the propriety of further legislation upon the subject presented by the Secretary.

THOMAS A. HENDRICKS,

Governor.

[Copy of communication of Secretary.]

TREASURY DEPARTMENT,
WASHINGTON, D. C., January 26, 1874.

SIR :—I have the honor to call your attention to the seventh section of the act of Congress, passed May 15, 1820, (3 stat. p. 600) providing that no light house beacon nor land mark shall be built or erected on any site previous to the cession of jurisdiction over the same being made to the United States. This law was passed in accordance with the 16th and 17th clauses of section 8 of article 1 of the constitution, under the impression that the general government had jurisdiction over the navigable waters within the United States, and the land covered thereby.

Light houses have from time to time been erected on sub-marine sites within the territorial limits of the States without procuring the cession of jurisdiction required by the act of May 15, 1820. It is understood now that the States may have jurisdiction over lands covered by the navigable water within their territorial limits. In order to cure the defects arising from the possible misapprehensions referred to, and to provide for the present as well as the future, I have the honor to request, in the interests of commerce and navigation, that you will recommend to the Legislature of your State the passage of a general law ceding to the United States jurisdiction in all cases of light houses and other aids to navigation built on submerged foundations, and where the land under water is owned by the State, providing for the cession to the United States of the land also. At the present time the light house establishment has several appropriations for the construction of light houses on sub-marine sites which can not be used till jurisdiction over the sites shall have been ceded to the United States, and as the time for which many of those appropriations was made will expire on the first of July next, it is of the utmost importance to commerce that the Legislative action asked for shall be had at the earliest possible moment. A form of

law which it is believed will cover all such cases, is herewith submitted for your consideration.

I am, sir, very respectfully,

Your obedient servant,

WM. A. RICHARDSON,

Secretary of the Treasury.

To His Excellency, THOMAS A. HENDRICKS,

Governor of Indiana,

Indianapolis, Ind.

Form of act concerning submarine cities for lighthouses, and other aids to navigation.

Be it enacted by the ——— of the State of ———, That whenever the United States desires to acquire title of lands belonging to the State and covered by the navigable waters of the United States within the limits thereof, for the site of a lighthouse, beacon or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, then the Governor of the State is authorized and empowered to convey the title to the United States, and to cede to the said United States jurisdiction over the same. *Provided*, no single tract shall contain more than ten acres, and that the State shall retain concurrent jurisdiction so far that all process, civil or criminal issuing under the authority of the State, may be executed by the proper officers thereof, upon any person or persons amenable to the same within the limits of land so ceded, in like manner and to like effect if this act had never been passed.

Which was read and referred to the Committee on Federal Relations.

Mr. Sleeth introduced

Senate Bill No. 304. A bill to amend section 5 of an act entitled "An act regulating the adoption of heirs," approved March, 1858.

Was read a first time and referred to the Committee on Benevolent institutions.

Mr. Slater presented the claim of the State House Committee, appointed by the last General Assembly. Amount, \$1,253.73.

Was read and referred to the Committee on Claims.

Mr. Daggy introduced

Senate Bill No. 305. A bill to legalize the board of trustees of the town of Bainbridge, Putnam county, and all official acts of said board done in pursuance of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved January 11, 1852.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Beardsley introduced

Senate Bill No. 306. A bill concerning punishment of felonies.

Was read a first time and referred to the Committee on Judiciary.

Mr. Oliver, from the Joint Committee on Public Buildings, made the following report :

MR. PRESIDENT :

Your Joint Committee on Public Buildings, to whom was turned over the rooms, plans and papers of the joint committee of the last General Assembly, relating to a State House, and to whom was referred sundry matters relating to public buildings, would respectfully report that upon their first meeting to organize the committee they proceeded to consider the questions of their duties and of their relations to other committees, and voted that it was their duty to inspect all public buildings of the State on which appropriations

had been expended for repairs or additions during the past two years, and to ascertain if such expenditures had been judiciously made; to inspect all buildings for which appropriations are asked other than current repairs, and report on their necessity and cost; to consider all propositions made for the erection of new public buildings for any purpose of the State, and report on the questions of constructing, cost and mode of control. If the General Assembly shall concur in this view of the duties of this committee, they respectfully ask the passage of the accompanying concurrent resolution:

Resolved by the Senate, the House concurring, That no appropriation shall be made for the erection of any new public building or for any additions or alterations of any existing public building until the proposition therefor shall be reported on by the Committee on Public Buildings.

Was read and referred to the Committee on Specific Appropriations.

Mr. Friedley of Lawrence introduced

Senate Bill No. 307. A bill to amend section 49 of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the courts of Common Pleas and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873.

Was read a first time and referred to the Committee on Organization of Courts.

Mr. Bell introduced

Senate Bill No. 308. A bill to amend section 55 of an act entitled "An act to provide for a general system of common schools, the officers thereof and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865, and declaring an emergency.

Was read a first time and referred to the Committee on Judiciary.

Mr. Wilson introduced

Senate Bill No. 309. A bill for an act to amend section 48 of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867.

Was read a first time and referred to the Committee on Corporations.

Mr. Givan introduced

Senate Bill No. 310. A bill providing for serving process upon the officers, directors, attorneys or agents of any steamboat company.

Was read a first time and referred to the Committee on Judiciary.

Senate Bill No. 311. A bill to authorize the United States to procure the purchase or condemnation of lands within this State in certain cases by ceding jurisdiction over the same.

Was read a first time and referred to the Committee on Judiciary.

On motion of Mr. Neff, the Special Order was postponed until 2 o'clock p. m. this day.

Mr. Johnston of Parke offered the following resolution :

WHEREAS, The Committee on Fees and Salaries have been instructed by resolutions to report a bill to the Senate fixing and regulating the fees and salaries of the Governor and all the State and county officers; and,

WHEREAS, Said committee have failed to make such report; therefore, be it

Resolved, That said committee be and are hereby instructed to report a bill to the Senate at an early day in accordance with the spirit of said resolution.

Which was adopted.

Mr. Gooding introduced

Senate Bill No. 312. A bill to prevent and punish the purchase or receipt of stolen goods from railroads.

Was read a first time and referred to the Committee on Judiciary.

Mr. Oliver introduced

Senate Bill No. 313. A bill authorizing trustees or commissioners of benevolent institutions to secure the right of way to railroad stations or switches most convenient for procuring coal and other freights.

Was read a first time and referred to the Committee on Benevolent Institutions.

Mr. Winterbotham introduced

Senate Bill No. 314. A bill concerning public funds.

Was read a first time and referred to the Committee on Judiciary.

Mr. Scott from the Committee on Phraseology and Arrangement of Bills reported that they have examined Senate Bill No. 138, a bill in relation to the settlement of claims against decedents' estates.

Also, Senate Bill No. 192, a bill to provide for the election of a reporter of the Supreme Court for the speedy publication of the decisions of such court, and for the compensation of such reporters, and find the same correctly engrossed.

Mr. Smith, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT:

Your Committee on Phraseology and Arrangement of Bills have carefully compared Engrossed Senate Bill No. 56, a bill to amend the first section of an act entitled "An act to prevent the introduction and spread in this State of the Texas or Spanish cattle fever, and declaring the bringing of Texas or Cherokee cattle into this

State, or the purchasing the same at certain seasons of the year a misdemeanor, and prescribing the penalty therefor," approved February 10, 1869, and declaring an emergency, and find the same correctly engrossed.

Mr. Smith, from the same committee, made the following report :

MR. PRESIDENT:

Your Committee on Phraselogy and Arrangement of Bills have carefully compared Engrossed Senate Bill No. 5, a bill to amend section 13 of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, and find the same correctly engrossed.

Mr. Gooding introduced

Senate Bill No. 315. A bill to amend section 38 of an act defining felonies and prescribing punishment therefor, approved June 10, 1852.

Was read a first time and referred to the Committee on Judiciary.

On motion by Mr. Scott, Engrossed House Bill No. 333, a bill to provide for the election of Directors of the State Prison, prescribing their powers and duties, providing for their compensation, repealing all acts or parts of acts in conflict herewith, and declaring an emergency, was taken up, read a first time and referred to the Committee on Prisons.

Mr. Oliver introduced

Senate Bill No. 316. A bill to amend section 211 of an act entitled an "An act to revise, simplify, and abridge the rules of practice, pleadings, and forms in civil cases in the courts of this State to abolish distinct forms of action at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time and referred to the Committee on Judiciary.

Mr. Oliver introduced

Senate Bill No. 317. A bill to regulate suits for malpractice.

Which was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Bearss offered the following resolution :

Resolved, That the chairman of the Committee on Corporations be instructed to report Bill No. 39 forthwith to the Senate.

Which was adopted.

Leave of absence was granted Mr. Davidson until Monday evening next.

Indefinite leave of absence was granted Mr. Stockalager on account of sickness.

Leave of absence was granted the Committee on Benevolent Institutions for to-morrow.

On motion by Mr. Oliver the Senate took a recess until 2 o'clock, p. m.

Continued

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

Leave of absence was granted Mr. Maxwell on account of sickness.

Message from the House by Mr. Holmes, Clerk thereof :

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the House has passed the following Engrossed House Bills, to-wit :

House Bill No. 265, entitled "An act supplemental to an act to repeal all general laws now in force for the incorporation of cities, prescribing the power and rights and the manner in which these shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14, 1867, and declaring an emergency.

Also, House Bill No. 269, entitled, "An act to legalize the official acts of the boards of trustees of the town of Brownsville, Warrick county, Indiana, and other officers of said corporation under the act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, and by-laws, regulations and proceedings adopted in pursuance thereof.

Also, House Bill No. 284, being an act to provide for the incorporation of any public or private cemetery already laid out and recorded, to provide for its maintenance and additions thereto, etc.

Also, Engrossed House Bill No. 247, "An act to amend section 2d of an act entitled "An act to amend sections 2 and 6 of an act entitled "An act providing for a geological survey, for the preservation and collection of a cabinet, etc.

Also, Engrossed Joint Resolution of the House No. 9, being a preamble and joint resolution in relation to the manufacture of polished plate glass in the State of Indiana.

Also, the following concurrent resolution, to-wit :

Be it resolved by the House of Representatives, the Senate concurring herein, That a special committee of three on the part of the House and two on the part of the Senate be appointed to proceed to the State Prison, South, and proceed with the investigations recently begun by the regular committee of the House and Senate, and such three members from the House and two from the Senate to continue such investigation shall be of diverse politics and selected from the Standing Committees of the House and Senate.

Also, the following concurrent resolution :

Resolved by the House of Representatives of the General Assembly

of the State of Indiana, the Senate concurring, That the thanks of this General Assembly are due to Mrs. Sarah E. Oren, State Librarian, for the able, impartial and effective manner in which she has discharged her official duties during her continuance in that important public station.

Also, the following concurrent resolution :

Be it resolved by the House of Representatives, the Senate concurring herein, That the Senate and House of Representatives meet in joint convention in the Hall of the House of Representatives at ten o'clock a. m. on Wednesday the 24th day of February, A. D. 1875, for the purpose of electing one Trustee for the Blind Asylum.

And said engrossed bills, joint and concurrent resolutions are herewith transmitted for the action of the Senate.

I am also directed by the Speaker of the House to inform the Senate that he has signed Enrolled Act No. 191 of the Senate, being an act to amend section 51 of an act to divide the State into circuits for judicial purposes.

And the same is herewith returned to the Senate.

Mr. Neff demanded a call of the Senate, when the following Senators responded :

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Cardwell, Chapman, Cree, Culbertson, Daggy, Davidson, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Haworth, Henderson, Hendricks, Howard, Hough, Humphries, Johnson of Floyd, LaRue, Neff, Oliver, Rhodes, Ringo, Roe, Sarnighausen, Scott, Slater, Sleeth, Smith, Thompson, Tobin, Underwood and Wilson—38.

On motion of Mr. LaRue the further call was dispensed with.

The hour of 2:30 o'clock p. m. having arrived, it being the hour for the consideration of the Special Order, Senate Bill No. 15, a bill on the subject of temperance, and the report of the committee and pending amendment heretofore offered by Mr. Hough.

The amendment by Mr. Hough was then agreed to.

Mr. Scott moved that the Senate go into committee of the whole Senate to consider Senate Bill No. 15.

Which was agreed to.

With Mr. Daggy in the chair, the committee arose and through their chairman made the following report:

MR. PRESIDENT:

The committee of the whole Senate have had Senate Bill No. 15, a bill to regulate the sale of intoxicating liquors, to provide against drunkenness, prescribing penalties, to repeal all laws contravening the provisions of this act, and declaring an emergency, with pending amendments under consideration, and have directed me to report that they recommend the passage of the bill as now amended.

The question being on concurring in the report of the committee.

Messrs. Givan and Neff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Cardwell, Chapman, Cree, Daggy, Friedley of Scott, Hackleman, Hough, Howard, Humphries, Johnston of Parke, LaRue, Major, Neff, Oliver, Ringo, Rhodes, Scott, Tobin and Underwood—23.

Those who voted in the negative were,

Messrs. Bell, Bowman, Culbertson, Dykeman, Givan, Gooding, Henderson, Hendricks, Johnson of Floyd, Peed, Sarnighausen, Skinner, Smith, Thompson and Wilson—15.

So the report of the Committee of the Whole Senate was concurred in.

The question being shall the bill as amended be engrossed?

Messrs. Sarnighausen and Dykeman demanded the ayes and noes.

Those voting in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Scott, Hackleman, Hough, Howard, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Ringo, Sectt, Tobin and Underwood—23.

Those who voted in the negative were,

Messrs. Bell, Bowman, Culbertson, Dykeman, Givan, Gooding, Grove, Henderson, Hendricks, Humphries, Johnson of Floyd, Peed, Sarnighausen, Skinner, Slater, Smith, Thompson and Wilson—18.

So the bill was ordered engrossed.

On motion, by Mr. Rhodes, the Senate adjourned until to-morrow morning, 10 o'clock.

FRIDAY MORNING.

FEBRUARY 19, 1875, 10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. Dr. Withrow, of the Second Presbyterian Church, of Indianapolis.

Journal of yesterday read and approved.

The President announced that he had signed Enrolled Senate Act No. 191, an act to amend section 51 of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Court of Common Pleas and transferring business thereof to the Circuit Courts, and

providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873.

Mr. Humphries from the Joint Committee on Enrolled Bills made the following report :

MR. PRESIDENT :

The Joint Committee on Enrolled Bills have this day submitted to the Governor for his approval the following Enrolled Act No. 191, an act to amend section 51 of an act to divide the State into circuits for judicial purposes, fixing the times of holding courts therein, abolishing the Court of Common Pleas, and transferring the business thereof to the Circuit Courts, etc., approved March 6, 1873, and declaring an emergency.

Mr. Bell, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have had under consideration Engrossed Senate Bill No. 112, and I herewith return the same with the recommendation that the words "said act," in line 9 of second page, be stricken out, and that the following words be inserted therein in lieu thereof, to-wit: A bill entitled "A bill to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Common Pleas Court and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873, so as to effect the purpose sought to be effected by this bill.

Mr. Givan, from the same committee, made the following report :

MR. PRESIDENT :

The Committee on the Phraseology and Arrangement of Bills, to whom was referred Engrossed Senate Bill No. 90, entitled "An act to limit the powers of county boards in appropriation of sums

exceeding the sum of five thousand dollars," etc., have had the same under consideration, and find the same correctly engrossed.

Also, the following report :

The Committee on Phraseology and Arrangement of Bills, to whom was referred Engrossed Senate Bill No. 163, entitled "An act to amend section 2 of an act entitled 'an act fixing the time of holding circuit courts in the Thirteenth Judicial Circuit of this State,'" approved March 10, 1873, have had the same under consideration, and find the same to be correctly engrossed.

Mr. Humphries, from the same committee, reported that they had examined Engrossed Senate Bill No. 245, a bill to amend section 2 of an act concerning the organization and perpetuity of voluntary associations, etc., and find the same correctly engrossed.

Mr. Thompson from the Committee on Benevolent Institutions made the following report :

MR. PRESIDENT :

Your Committee, to whom was referred Senate Bill No. 304 a bill to amend section 5 of an act entitled "An act regulating the adoption of heirs," approved March 2, 1855, have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that the bill pass.

Was placed on the calendar.

Mr. Harney moved that Senate Bill No. 186, a bill in reference to gravel roads, which was made a Special Order for yesterday, be now taken up.

Which was agreed to.

Senate Bill No. 186. A bill making the township trustee of each civil township superintendent of roads and highways in his township, prescribing his duties, etc.

Was read a second time.

The question being on concurring in the report of the Committee on Roads,

Mr. Dykeman offered the following amendment :

Provided, That hereafter no lands should be taxed to build any gravel road organized as a private corporation.

Mr. Harney moved that the amendment do lie on the table.

Which was agreed to.

Mr. Hough offered the following amendment :

Amend the report so as to recommend that section 5 be amended by striking out all between the figures "1875," in line five, and the word "levy" in line fourteen ; also by striking out of line twenty-six the words "commutation road tax."

Mr. Givan moved that the bill, report and amendment do lie on the table.

Messrs. Bearss and Dykeman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Boone, Bowman, Bunyan, Cree, Culbertson, Givan, Major, Slater and Smith—10.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Cardwell, Chapman, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Gooding, Grove, Harney, Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Neff, Oliver, Peed, Rhodes, Sarnighausen, Scott, Tobin, Underwood, Wilson and Winterbotham—29.

So the motion was not agreed to.

The question being on the amendment offered by Mr. Hough,

Mr. Harney moved that the amendment do lie on the table.

Messrs. Hough and Smith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Boone, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Grove, Harney, Haworth, Henderson, Howard, Johnson of Floyd, Johnston of Parke, Neff, Oliver, Peed, Rhodes, Sarnighausen, Scott, Slater, Tobin, Underwood, Wilson and Winterbotham—31.

Those who voted in the negative were,

Messrs. Bowman, Givan, Gooding, Hough, Humphries, LaRue, Major and Smith—9.

So the amendment was laid on the table.

Mr. Johnston of Parke, offered the following amendment :

Amend section 3 by inserting after the words "the following upon the petition of a majority of the voters of the township."

Which was not agreed to.

Mr. Johnston of Parke, offered the following further amendment :

Provided, That nothing in this act shall be so construed as to give the township trustee control over any of the highways or streets of any incorporated town or city.

Which was not agreed to.

The question now being on concurring in the report of the Committee on Roads,

It was concurred in.

Mr. Hough offered the following amendment to the bill :

Amend the bill by striking out section 7.

Mr. Neff moved the amendment do lie on the table.

Which was agreed to.

And the bill was ordered engrossed.

Mr. LaRue offered the following resolution :

Resolved, That from this time until the close of the session speeches shall be limited to five minutes each.

Was laid over under the rule.

On motion by Mr. Bell the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled.

The Senate was called to order by the Assistant Secretary, when, on motion by Mr. Beardsley, Mr. Boone took the chair.

Mr. Johnson of Floyd moved to take up House Joint Resolution No. 9, a joint resolution relating to the manufacture of plate glass.

Which was agreed to, and House Joint Resolution No. 9, a joint resolution in relation to the manufacture of plate glass in the State of Indiana, was read a first time and placed on the calendar.

By unanimous consent Senate Joint Resolution No. 6, a joint resolution in relation to the appointment of joint railroad commissioners from this and adjoining States.

Was read a second time, the report of the Committee on Railroads concurred in and the joint resolution laid on the table.

Mr. Chapman, from the Committee on Phraseology and Arrangement of Bills, made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have examined Engrossed Senate Bill No. 230, a bill to amend the 10th section of the general assessment law, and declaring an emergency, and find the same correctly engrossed.

Mr. Chapman, from the same committee, made the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills, have examined Engrossed Senate Bill No. 59, a bill to amend section 9 of an act entitled "An act to amend an act entitled 'an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,' approved March 5, 1859," approved December 20, 1868, and find the same correctly engrossed.

Mr. Chapman made the following report :

MR. PRESIDENT :

Your Committee on Phraseology and Arrangement of Bills, have examined Engrossed Senate Bill No. 162, a bill providing for the commencement and prosecution of criminal actions by information, and find the same correctly engrossed.

Mr. Rhodes from the Committee on Fees and Salaries made the following report :

MR. PRESIDENT :

The Committee on Fees and Salaries, to whom was referred certain bills on said subject, have had the same under consideration, and have directed me to report the following bill as a substitute for said bills, and they recommend the passage of said substitute bill.

☞ Substitute Senate Bill No. 318. A bill fixing the fees and salaries of the officers therein named, providing penalties for the violation, repealing certain laws, and declaring an emergency.

Was read a first time.

Mr. Humphries moved that the constitutional rule requiring bills to be read on three several days be suspended, and that the bill be read a second time by title, now.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were,

Messrs. Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Grove, Haworth, Henderson, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Major, Neff, Oliver, Peed, Rhodes, Scott, Skinner, Slater, Sleeth, Smith, Tobin, Underwood and Wilson—34.

No Senator voting in the negative.

So the constitutional rule was suspended, and the bill read a second time by title now.

Mr. Smith moved that the bill do lie on the table and two hundred copies be printed.

Which was agreed to.

Mr. Oliver moved to take up House Bill No. 101. A bill to regulate public warehouses and warehousing, and inspecting and mixing grain.

Which was not agreed to.

Leave of absence was granted until Tuesday next to Mr. Underwood.

Mr. Johnson of Floyd moved to suspend the constitutional rule requiring bills to be read on three several days that House Joint

Resolution No. 9, a joint resolution in reference to plate glass may be read a second time now.

The ayes and nays being taken under the rule,

Those who voted in the affirmative were,

Messrs. Beardsley, Boone, Bowman, Chapman, Cree, Culbertson, Daggy, Friedley of Lawrence, Friedley of Scott, Givan, Grove, Harney, Haworth, Henderson, Humphries, Johnson of Floyd, LaRue, Major, Neff, Oliver, Peed, Rhodes, Scott, Skinner, Slater, Sleeth, Smith, Tobin, Underwood and Wilson—30.

Those who voted in the negative were,

Messrs. Bearss, Bell, Bunyan, Cardwell, Dykeman, Hough, Howard and Johnston of Parke—8.

So the constitutional rule was not suspended.

Mr. Bunyan moved to suspend the order of business and take up Senate bills on third reading.

Which was agreed to.

SENATE BILLS ON THIRD READING.

Engrossed Senate Bill No. 16. A bill fixing the compensation of certain officers therein mentioned.

Was read a third time.

Mr. Peed moved to recommit the bill and amend by striking out "\$300," where it occurs, and insert in lieu thereof "\$600."

Messrs. Johnston of Parke, and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Boone, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Gooding, Harney, Henderson, Johnson of Floyd, Peed, Sarnighausen, Skinner, Slater and Smith—15.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Bowman, Bunyan, Cardwell, Chapman, Cree, Friedley of Scott, Givan, Grove, Haworth, Hough, Howard, Humphries, Johnson of Parke, LaRue, Major, Maxwell, Oliver, Rhodes, Scott, Sleeth, Tobin, Underwood and Wilson—25.

So the motion was not agreed to.

The question now being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Scott, Slater, Sleeth Tobin, Underwood and Wilson—34.

Those who voted in the negative were,

Messrs. Bell, Dykeman, Harney, Peed, Sarnighausen, Skinner and Smith—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 163. A bill to amend section 2 of an act entitled "An act fixing the time of holding Circuit Courts in the Thirteenth Judicial Circuit of this State," approved March 10th, 1873.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Harney, Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Oliver, Peed, Rhodes, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Tobin, Underwood and Wilson—41.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 45. A bill in relation to the appointment of receivers, and to authorize appeals in such cases.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beardsley, Bearss, Bell, Bowman, Cardwell, Chapman, Dykeman, Friedley of Lawrence, Gooding, Grove, Harney, Henderson, Howard, Humphries, Johnson of Floyd, Peed, Sarnighausen, Scott, Skinner, Smith, Underwood, Wilson and Winterbotham—25.

Those who voted in the negative were,

Messrs. Baxter, Boone, Bunyan, Cree, Culbertson, Daggy, Givan, Haworth, Hough, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes and Tobin—17.

So the bill failed to pass for want of a constitutional majority.

Engrossed Senate Bill No. 245. A bill to amend section 2 of an act entitled "An act concerning the organization and perpetuity of voluntary associations and repealing an act entitled 'an act concerning the organization of voluntary associations, and repealing former laws in reference thereto,'" approved February 12, 1855, and repealing each act repealed by said act and authorizing gifts or devises by will to be made to any corporation or purpose contemplated by this act.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunnan, Cardwell, Chapman, Cree, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Harney, Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Oliver, Peed, Sarnighausen, Scott, Skinner, Sleeth, Smith, Tobin, Underwood, Wilson and Winterbotham—37.

Those who voted in the negative were,

Messrs. Culbertson, Grove and Slater—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 90. A bill to limit the powers of county boards in appropriations of sums exceeding five thousand dollars in cases when it is proposed to construct new public buildings or repair those already built, or to construct new bridges or the

repairs thereof and requiring a vote of the county in favor of such appropriations, etc.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Givan, Gooding, Harney, Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Rhodes, Sarnighausen, Scott, Skinner, Slater, Tobin, Underwood, Wilson and Winterbotham—36.

Those who voted in the negative were,

Messrs. Oliver, Peed and Smith—3.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

On motion by Mr. Chapman the bill was referred to the Joint Committee on Titles for correction.

Engrossed Senate Bill No. 56. A bill to prevent the introduction and spread in this State of the Texas or Spanish cattle fever, prescribing penalties, etc.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Harney, Haworth, Henderson, Hough, Humphries, Howard, Johnson of

Floyd, Johnston of Parke, LaRue, Major, Neff, Peed, Sarnighausen, Scott, Skinner, Sleeth, Slater, Smith, Tobin, Underwood, Wilson and Winterbotham—39.

Senators Bell and Rhodes voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 100. A bill in relation to orders issued by cities upon their treasuries, and providing for the presentation, redemption and order of payment of the same.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding, Grove, Harney, Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Sarnighausen, Scott, Slater, Sleeth, Smith, Tobin, Underwood Wilson and Winterbotham—37.

Messrs. Peed and Rhodes voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 83. A bill to provide against intoxication on the part of public officers, and providing for the removal of officers therefor.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Givan, Gooding Grove, Harney, Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Sarnighausen, Scott, Skinner, Sleeth, Smith, Tobin, Underwood, Wison and Winterbotham—40.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 168. A bill to amend section 46 of an act entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9th, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Cardwell, Chapman, Daggy, Harney, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Peed, Sleeth, Smith, Tobin and Winterbotham—20.

Those who voted in the negative were,

Messrs. Bearss, Bunyan, Cree, Dykeman, Friedley of Lawrence, Givan, Gooding, Grove, Haworth, Henderson, Hough, Humphries, Oliver, Rhodes, Sarnighausen, Scott, Skinner, Slater, Underwood and Wilson--21.

So the bill failed to pass.

Engrossed Senate Bill No. 103. A bill to enable administrators appointed by authority of other States to sell lands in this State to pay debts, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Daggy, Friedley of Scott, Gooding, Harney, Haworth, Henderson, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Oliver, Rhodes, Scott, Tobin, Underwood, Wilson and Winterbotham--30.

Those who voted in the negative were,

Messrs. Bell, Culbertson, Dykeman, Friedley of Lawrence, Givan, Grove, Slater and Smith--8.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

Mr. Sleeth moved that the bill be referred to the Joint Committee on Titles.

Which was agreed to.

Engrossed Senate Bill No. 140. A bill to amend section 49 and to repeal sections 48 and 50 of an act entitled "An act regulating general elections, and prescribing the duties of officers in relation thereto," approved June 7, 1852, and declaring an emergency.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Bunyan, Cardwell, Chapman, Culbertson, Daggy, Friedley of Scott, Givan, Gooding, Grove, Harney, Haworth, Hough, Howard, Humphries, Major, Neff, Oliver, Rhodes, Scott, Slater, Sleeth, Tobin, Underwood, Wilson and Winterbotham—29.

Those who voted in the negative were,

Messrs. Bowman, Cree, Dykeman, Henderson, Johnston of Parke and LaRue—7.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 5. A bill to amend section thirteen of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852.

Was read a third time.

The question being shall the bill pass?

Those voting in the affirmative were,

Messrs. Beardsley, Bearss, Bunyan, Chapman, Daggy, Dykeman, Friedley of Lawrence, Haworth, Henderson, Hough, Johnston of Parke, LaRue, Neff, Oliver, Rhodes, Sleeth and Tobin—17.

Those who voted in the negative were,

Messrs. Baxter, Bell, Boone, Bowman, Cardwell, Cree, Culbertson,
S. J.—43

Friedley of Scott, Givan, Gooding, Grove, Harney, Howard, Humphries, Johnson of Floyd, Major, Peed, Sarnighausen, Scott, Skinner, Slater, Underwood, Wilson and Winterbotham—23.

So the bill failed to pass.

Engrossed Senate Bill No. 105. A bill requiring County Auditors to publish a statement of all the allowances made by the County Commissioners.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Friedley of Scott, Grove, Harney, Haworth, Henderson Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, Major, Neff, Rhodes, Sarnighausen, Scott, Skinner, Sleeth, Smith, Tobin, Underwood, Wilson and Winterbotham—35.

Those who voted in the negative were,

Messrs. Bowman, Givan, LaRue, Oliver, Peed and Slater—6.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Engrossed Senate Bill No. 178. A bill requiring the officers of certain corporations therein named to make out and publish annual statements, and providing penalties for the violation thereof.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Harney, Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Oliver, Peed, Rhodes, Sarnighausen, Scott, Skinner, Slater, Sleeth, Smith, Tobin, Underwood, Wilson and Winterbotham—39.

Senator Boone voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Mr. Gooding moved to take up the resolution offered Mr. Rhodes on yesterday changing the hour of meeting from 10 to 9 o'clock a. m.

Messrs. Friedley of Lawrence, and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bowman, Bunyan, Cardwell, Cree, Friedley of Scott, Givan, Gooding, Grove, Harney, Haworth, Hough, Howard, Humphries, Johnson of Floyd, LaRue, Major, Neff, Oliver, Rhodes, Sarnighausen, Scott, and Tobin—24.

Those who voted in the negative were,

Messrs. Bearss, Bell Boone, Chapman, Culbertson, Daggy, Dykeman, Friedley of Lawrence, Henderson, Johnston of Parke,

Peed, Skinner, Slater, Sleeth, Smith, Underwood, Wilson and Winterbotham—18.

So the resolution was taken up.

Mr. Dykeman moved that the Senate do now adjourn.

Which was not agreed to.

Mr. Johnston of Parke, offered the following amendment to the resolution :

By striking out the word "nine" and insert in lieu thereof the words "eight and one-half."

Mr. Bell moved to amend the amendment by striking out "eight and one-half o'clock" and insert "seven and one-half."

Which was not agreed to.

The question recurring on the amendment of Mr. Johnston of Parke,

It was not agreed to.

Mr. Dykeman moved to amend by striking out "10 o'clock" and insert in lieu thereof "nine and one-half o'clock."

Which was not agreed to.

The question recurring on the resolution of Mr. Rhodes,

Mr. Chapman moved that the resolution do lie on the table.

Which was not agreed to.

The resolution was then adopted.

On motion, by Mr. Chapman, the Senate adjourned until tomorrow morning.

SATURDAY MORNING.

FEBRUARY 20, 1875—10 O'CLOCK.

Senate assembled, President in the chair.

The Throne of Grace was addressed by the Rev. G. P. Jenkins, pastor of Grace M. E. Church, of Indianapolis.

Pending the reading of the journal of yesterday, Mr. Sleeth moved a suspension of the reading thereof for the purpose of introducing a resolution.

Which was agreed to.

And Mr. Sleeth offered the following resolution :

WHEREAS, We have learned with deep sorrow of the death of Mrs. Joseph E. McDonald, wife of the United States Senator elect from Indiana ; and,

WHEREAS, The funeral services of the deceased will take place at St. Paul's Cathedral, on North Illinois street, in this city, at 10 o'clock, a. m. ; therefore,

Resolved, That as a mark of respect for the deceased, and an expression of our sympathy for the bereaved husband, the Senate do now adjourn until 2 o'clock, that Senators may have an opportunity to attend such funeral services.

Mr. Daggy moved to amend by excusing all Senators who wish to attend the funeral.

Which was agreed to.

The resolution as amended was adopted.

Mr. Gooding moved that the further reading of the journal be dispensed with.

Which was not agreed to.

The journal was then read and approved.

Leave of absence was granted Mr. Winterbotham until Monday next.

Mr. Daggy, from the Committee on Phraseology, made the following report:

Mr. PRESIDENT:

The Committee on Phraseology, to whom was referred Senate Bill No. 246, have examined the same and find the same correctly engrossed.

By unanimous consent Mr. Sarnighausen introduced

Senate Bill No. 319. A bill to amend the 1st section of an act entitled "An act providing for the incorporation of canal companies," approved March 9, 1859.

Was read a first time and referred to the Committee on Judiciary.

By unanimous consent Mr. Sarnighausen introduced

Senate Bill No. 320. An act to repeal an act entitled "An act to authorize railroad companies to occupy and use for railroad purposes the property of canal companies, with their consent, and to secure them in such occupation and use, and for the protection of the hydraulic powers of each canal, and to authorize the lessees of the water privileges in said canal to organize a company or companies for the maintainance thereof, in case of the failure of said canal company to maintain the same," approved November 16, 1865, saving rights already secured.

Was read a first time and referred to the Committee on Judiciary.

Mr. Bell presented a petition from citizens of Allen county on the subject of the Wabash and Erie Canal.

Was referred to the Committee on Judiciary.

Mr. Bell made the following report:

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have had under consideration Engrossed Senate Bill No. 150, and report that the same is correctly engrossed.

Mr. Givan moved a suspension of the order of business to take up House bills on first reading.

Which was not agreed to.

By Mr. Rhodes, a petition from the citizens of Fountain county on the subject of changing county boundaries, etc.

Was placed on the calendar.

By Mr. Wilson, a petition from the citizens of Sullivan county on the subject of temperance.

Referred to the Committee on Temperance without reading.

Mr. Boone made the following report :

MR. PRESIDENT :

The Committee on Judiciary, to whom was referred Senate Bill No. 170, a bill empowering married women to appoint and constitute attorneys in fact to convey real estate and for other purposes of attorney heretofore made, have had the same under consideration, and have instructed me to report the same back to the Senate with a recommendation that it be indefinitely postponed.

Was placed on the calendar.

Mr. Daggy made the following report :

MR. PRESIDENT :

The Committee on Judiciary have reconsidered Senate Bill No. 53, entitled "An act to give married women their earnings," and in accordance with instructions to amend said bill now return the

same with amendment at the end of section 1 as follows: *Provided*, That such earnings of said wife shall be applied to the maintenance and support of herself and her children.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Engrossed Senate Bill No. 39, a bill repealing the 1st, 2d, 3d and 6th sections of an act permitting assessments for gravel roads, etc., have had the same under consideration and have directed me to report the same back to the Senate with the recommendation in accordance with the instructions of the Senate, that the same be amended by striking out the proviso in section 1, and insert in lieu thereof the following : "*Provided further*, That this act shall not be construed to effect assessments heretofore made where any installment thereof shall have been placed on the tax duplicate, and any part thereof collected by the treasurer or worked out upon the proposed road by the party so assessed, but in all such cases and in all other cases where the road has been completed in whole or in part, or the assessments of benefits paid in whole or in part under the provisions of any of the acts hereby repealed, the right so acquired are saved from the effects of this act," and when so amended that the same do lie upon the table.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 296, entitled "An act to legalize the elections in the years 1872, 1873 and 1874 in the town of Knightstown, Henry county, and to legalize the official acts of their several boards of trustees of said town, etc., have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the same be amended as follows, to-wit :

1. Amend the first clause of the preamble by striking out the word "said," in the first line thereof, and inserting after the word "Knightstown" the words "in Henry county;" also, by striking out all after the word "and," in line 3, and insert in lieu thereof the following: "Pursuant to the provisions of an act entitled 'An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852.'"

2. Amend second clause of the preamble by striking out the word "board," in the first line.

3. Amend the third clause of the preamble by striking out the word "thereof," in line one, and inserting in lieu thereof the words "of said town." Also, by striking out all between the word "purpose," in line eight, and the word "and," in line nine. Also, by striking out the word "corporations," in line thirteen, and insert in lieu thereof the word "town."

4. Amend section 1 by striking out all after the enacting clause and inserting in lieu thereof the following: That the municipal election held in the town of Knightstown, in Henry county, in the years 1872, 1873 and 1874, are hereby legalized and made valid, and that all ordinances, orders, elections, appointments and official acts ordained, made and performed by the Boards of Trustees and other officers of said town, elected and appointed in the years aforesaid, including all levies and assessments of taxes for building a school house and other purposes, and the election of school trustees, and their official acts as such, are hereby legalized and made valid to the same extent as the same would have been legal and valid if all the aforesaid elections had been in all respects legal.

5. Amend section 2 by striking out the word "requiring" and insert in lieu thereof the word "for." Also, by striking out the words "this action," in line 3, and inserting in lieu thereof the words "the same shall."

And when so amended that the same do pass.

Was placed on the calendar.

Mr. Gooding made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 288, a bill legalizing the assessment, equalization, levy and collection of municipal taxes for the years 1873 and 1874, providing that the General law governing State and county trustees so far as the same provides for the time and making the assessment and collection of taxes, and declaring an emergency, have had the same under consideration, and the majority have instructed me to report the same back to the Senate with a recommendation that it pass.

Was placed on the calendar.

Mr. Bunyan made the following report :

MR. PRESIDENT :

Your Committee on Roads, to whom was referred Senate Bill No. 188, entitled "An act to authorize the hanging of gates across public highways, and making the leaving such gates unfastened unlawful, and prescribing the penalty therefor, have had the same under consideration, and recommend that the bill do lie on the table.

Was placed on the calendar.

Mr. Scott made the following report :

MR. PRESIDENT :

The Committee on Prisons, to whom was referred Engrossed House Bill No. 333, a bill to provide for the election of directors of the State Prisons, prescribing their powers and duties, providing for their compensation, repealing all acts and parts of acts in conflict herewith, and declaring an emergency, have had the same under consideration and have directed me to make the following report : Amend by striking out all after the enacting clause, and in lieu thereof insert the following : "And after such amendment is made recommend that the bill do pass."

Was placed on the calendar.

Mr. Gooding made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts have had under consideration House Bill No. 195, entitled "A bill to fix the time of holding court in the Nineteenth Judicial Circuit, prescribing the length of the term," etc., and recommend the following amendments: In section 1, on page 2, at the end of line 1, insert "at said March and June term each, and five weeks at said January and September terms each," and strike out of said section, on page 2, line 2, the words "each term," in section 3 strike out the words "Monday in June," and in lieu thereof insert the words "day of April."

Was placed on the calendar.

Mr. Gooding made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate Bill No. 238, a bill to fix the time of holding Circuit Courts in the Fourth Judicial Circuit, and to repeal all laws in conflict herewith and declaring an emergency, have had the same under consideration and a majority direct me to report the same back to the Senate with the recommendation that it do pass.

Placed on the calendar.

Mr. Dykeman made the following report :

MR. PRESIDENT :

The Committee on Swamp Lands, to whom was referred Senate Bill No. 220, a bill to provide for the appointment of a proper person to collect, arrange and index the Wabash and Erie Canal, Michigan Road, University, Saline, Seminary, and donation lands, and the preservation of records pertaining to the same, have had the same under consideration and have instructed me to report the same back to the Senate with a recommendation that it do pass.

Was placed on the calendar.

Mr. Howard made the following report :

The Committee on County and Township Business, to whom was referred House Bill No. 41, entitled "An act authorizing county commissioners to purchase stationery," etc., have had the same under consideration, and direct me to report the same back with the following amendment :

Strike out all after the word "bids," in section 3 in line 24, page 2.

Also, after the word "offense," in line 10, page 4, add the following: "If any county officer, including county commissioner, shall be guilty of receiving any present, or percentage on articles from any firm engaged in the business of furnishing the counties with books or stationery, or from any agent of such firm, directly or indirectly, or if any such firm or the agent shall offer any present or per centage to any county officer in consideration of his influence in obtaining orders or contracts for books or stationery, such officer or firm or agent shall be deemed guilty of a misdemeanor, and be liable to a fine of not less than \$100, nor more than \$500."

And when so amended recommend its passage.

Was placed on the calendar.

Mr. Bowman made the following report :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill 299, entitled "An act authorizing the institution of actions to secure delinquent taxes, and providing for the sale of property upon executions issued on judgments recorded in such actions," have had the same under consideration, and instructed me to report the same back to the Senate with the recommendation that the bill do lie on the table.

Was placed on the calendar.

Mr. Wilson made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was

referred Senate Bill No. 201, introduced by Mr. Scott, entitled "An act to legalize the organization of all plank, macadamized or gravel road companies," have had the same under consideration and instruct me to report the same back with the following amendment :

Strike out the words on page one lines 14 and 15 "macadamized or gravel," and when so amended recommend its passage.

Was placed on the calendar.

Mr. Howard made the following report :

MR. PRESIDENT :

Your Committee on County and Township Business, to whom was referred Senate Bill No. 305, entitled "An act to legalize the boards of trustees of the town of Bainbridge, Putnam county, and all official acts of said board done in pursuance of an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," approved June 11, 1852, have had the same under consideration and have directed me to report the same back to the Senate with a recommendation that it do pass.

Was placed on the calendar.

Mr. Dykeman made the following report :

MR. PRESIDENT :

The Committee on Railroads, to whom was referred Senate Bill No. 4, have had the same under consideration, being an act entitled "An act to repeal an act to require railroad companies to issue stock paid for by taxes voted in aid of their railroad to the taxpayers or their assignors, and to issue unclaimed stock for the benefit of the common school fund, and declaring an emergency," approved December 17, 1872, and a majority of said committee have instructed me to report the same back to the Senate with a recommendation that it do lie on the table.

Was placed on the calendar.

Mr. Dykeman, made the following report :

MR. PRESIDENT :

The Committee on Railroads, to whom was referred Senate Bill No. 40, entitled "An act to enable employes of railroad companies to collect compensation for labor performed and to make stockholders of railroad companies liable for such labor, and to enable stockholders to force contributions against other stockholders, and declaring an emergency," have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, that section 1 be amended by striking out the following words: "And all recovering under this act shall be without relief from valuation or appraisement laws." Also, by striking out section 2, (the emergency clause), and when so amended that the bill do pass.

Was placed on the calendar.

Mr. Bell made the following report :

MR. PRESIDENT :

Your Committee on Railroads, to whom was referred Senate Bill No. 85, entitled "An act to prevent exorbitant charges for, and unjust discrimination in the transportation of freights by railroad companies and other common carriers, and to provide a remedy when such extortion or discrimination are practiced," have given said bill careful consideration, and have directed me to report the same back to the Senate with the following amendments, to-wit :

1st. Amend the bill by striking out the word "double," in section 2, line 5, page 2.

2d. Amend the bill by striking out of section 3 all that part thereof which provides for the recovery of an attorney's fee, being all of section 3 after the word "services," in line 6, page 3.

3d. Amend the bill by striking out all of the 6th section.

4th. Amend the bill by striking out all of the 7th section.

5th. Amend the bill by striking out all of the 8th section.

6th. Amend the bill by striking out the emergency clause.

And your Committee recommends that when the bill is so amended it do pass.

Was placed on the calendar.

Mr. Gooding made the following report :

MR. PRESIDENT :

A majority of your Committee on Railroads, to whom was referred Senate Bill No. 205, entitled "An act regulating the charges for the transportation of freight over railroads in this State, and prescribing penalties for its violation, and declaring an emergency," have had the same under careful consideration, and have directed me to report the same back to the Senate with a recommendation that it lie upon the table.

Was placed on the calendar.

Mr. Scott made the following report :

MR. PRESIDENT :

Your Committee on Railroads, to whom was referred Senate Bill No. 295, entitled "A bill prescribing rates of charges by railroad corporations and other common carriers for transporting freight and carrying passengers, prescribing penalties, and providing remedies for its violation, and declaring an emergency," have given such bill a careful consideration and have directed me to report the same back to the Senate with a recommendation that it lie upon the table.

Was placed on the calendar.

Mr. Sleeth made the following report :

MR. PRESIDENT :

The Committee on Railroads have had under consideration Senate Bill No. 124, a bill without a title, but on the subject of regulating the rights and liabilities of common carriers, have had the

same under consideration and have instructed me to report the same back to the Senate with the recommendation that it lie upon the table, and also to report the following as a substitute for said bill : A bill regulating the issuing and taking up of tickets and coupons of tickets by common carriers, and defining the rights of holders thereof and other matters in relation thereto, and recommend its passage.

Which was read a first time and placed on the calendar.

Mr. Gooding made the following report :

MR. PRESIDENT :

The Committee on Organization of Courts, to whom was referred Senate Bill No. 307, a bill to amend section 49 of an act entitled "An act to divide the State into circuits for judicial purposes, fixing the time of holding courts therein, abolishing the Common Pleas Courts and transferring the business thereof to the Circuit Courts, and providing for the election of Judges and Prosecuting Attorneys in certain cases," approved March 6, 1873, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that the same do pass.

Was placed on the calendar.

Mr. Boone made the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred the petition of sundry citizens of Wabash county, asking for protection from trespassing animals, have had the same under consideration, and have instructed me to report the same back to the Senate with a recommendation that it lie upon the table, the committee having heretofore reported a bill upon that subject.

Which was concurred in.

Mr. Chapman made the following report :

MR. PRESIDENT :

Your Committee on Finance, to whom was referred Senate Bill No. 287, an act to amend sections 1 and 4 of an act supplementary and amendatory of an act entitled "An act to provide for a uniform assessment of property and for the collection and return of taxes thereon," approved December 21, 1872, approved March 8, 1873, and declaring an emergency, have had the same under consideration, and have instructed me to report the bill back to the Senate with the recommendation that it pass.

Was placed on the calendar.

Mr. Chapman made the following report :

MR. PRESIDENT :

A majority of the Committee on Finance, to whom was referred Senate Bill No. 38, a bill repealing sections 1, 2, 3, 4 and 5 of an act entitled "An act supplemental and amendatory of an act entitled 'an act to provide for a uniform assessment of property, and for the collection and return of taxes thereon,' " approved December 20th, 1872, approved March 8th, 1873, have had the same under consideration and have instructed me to report the same back to the Senate with instructions that it lie on the table.

Was placed on the calendar.

Mr. Peed moved to make all the railroad bills now on the calendar a special order for next Tuesday.

Which was not agreed to.

Mr. Johnston of Parke made the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 293, a bill to enable the incorporated cities of the State of Indiana to adopt and enforce by-laws for the purpose of securing the removal of slops, garbage and dead animals, and other waste matter from their corporate limits, have had the same under consideration and direct me to make

the following report: Amend the title by inserting after the word "cities" in first line, the words "and towns," to further amend by inserting after the word "cities" in line 8, the words "and the trustees of incorporated towns," and when so amended they recommend its passage.

Was placed on the calendar.

Mr. Johnston of Parke, made the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred Senate Bill No. 294, a bill defining professional prostitution and prescribing punishment therefor, and prescribing certain rules of evidence in prosecutions for such offences, have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Sleeth made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 196, a bill to legalize the official acts of the board of trustees of the town of Bloomington, have had the same under consideration and instructed me to report the same back with the recommendation that it lie on the table, and recommend the adoption and passage of the following substitute bill:

Senate Bill No. 196. A bill to legalize the election of the Boards of Trustees and of all the other officers of the town of Bloomington, Monroe county, Indiana, for the years 1873 and 1874, and to legalize all of their official acts by law and ordinances, regulations and proceedings passed, adopted and executed by them under and in pursuance of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.

Was read a first time and placed on the calendar.

Mr. Scott made the following report :

MR. PRESIDENT :

The Committee on Elections, to whom was referred resolutions and instructions relating to the office of County Superintendents, have had the same under consideration, and direct me to report the following bill on that subject :

Senate Bill No. 321. A bill for an act to amend sections 33, 37, and 43, and supplemental section 6 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, prescribing penalties therein prescribed, approved March 6, 1855, and adding supplemental sections thereto, approved March 8, 1873.

Was read a first time and placed on the calendar.

RESOLUTIONS.

Mr. LaRue called up his resolution limiting speeches to five minutes during the remainder of the session.

The question being on the adoption of the resolution,

Mr. Smith moved that it do lie on the table.

Messrs. LaRue and Boone demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Boone, Chapman, Givan, Grove, Hackleman, Hendricks, Peed, Skinner, Sleeth and Smith—11.

Those voting in the negative were,

Messrs. Baxter, Beardsley, Bearss, Bowman, Bunyan, Cardwell, Cree, Culbertson, Daggy, Dykeman, Friedley of Scott, Gooding,

Haworth, Henderson, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Rhodes, Sarnighausen, Scott, Thompson, Tobin and Wilson—28.

So the resolution was not laid on the table.

Mr. Johnston of Parke, moved to amend by striking out the word "five," and insert in lieu thereof the word "ten."

Which was not agreed to.

Mr. Sleeth moved to amend by adding "without consent of the Senate."

Which was agreed to and the resolution as amended was adopted.

Mr. Gooding moved that all the railroad bills and reports on the calendar be made a special order for Thursday next at 2 o'clock p. m.

Mr. Haworth moved to amend by making it 7 p. m. the same day.

Which was agreed to.

And the motion of Mr. Gooding, as amended, was agreed to.

SENATE BILLS ON FIRST READING.

Mr. Hough introduced

Senate Bill No. 322. A bill regulating the assessment, levy and collection of taxes by towns for the payment of interest and principal of bonds issued, and for other purposes, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Mr. Bowman introduced

Senate Bill No. 323. A bill to provide for the building of a new

State Prison at Seymour, in the county of Jackson, and the discontinuance of the State Prison, South, at Jeffersonville, in the county of Clark, making appropriations and for the regulation of the same.

Was read a first time and referred to the Committee on Prisons.

Mr. LaRue introduced

Senate Bill No. 324. A bill to encourage the organization of the Indiana Active Militia, and making appropriation for the support thereof, supplementary and amendatory to the act for the regulation and organization of the Indiana Militia, approved May 11th, 1870.

Was read a first time and referred to the Committee on Military Affairs.

Mr. Bell introduced

Senate Bill No. 325. A bill regulating the survey of lands by establishing monuments of meridian, so as to secure accurate surveys and for other purposes.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Howard introduced

Senate Bill No. 326. A bill providing for a District and State Board of Equalization for equalizing the appraisement for taxation of the real property of the State of Indiana.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Baxter introduced

Senate Bill No. 327. A bill for the further protection of minors.

Was read a first time and referred to the Committee on Judiciary.

Mr. Dykeman introduced

Senate Bill No. 328. A bill authorizing incorporated cities in

this State to fund their debts by the issue and sale of city bonds to the amount thereof, and to assess and collect annually a tax sufficient to pay the interest thereon, as also a tax for the creation of a sinking fund to pay the principal when due, and providing for the investment of said fund until needed.

Was read a first time and referred to the Committee on Corporations.

Mr. Cardwell introduced

Senate Bill No. 329. A bill to amend an act to provide for the opening, vacating and change of highways, approved June 17, 1852.

Was read a first time and referred to the Committee on County and Township Business.

Mr. Skinner introduced

Senate Bill No. 330. A bill authorizing proceedings of strict foreclosure of the interest of subsequent purchasers of real estate, judgment creditors, and mortgagees who are not made parties to the original proceedings, and providing for redemption.

Was read a first time and referred to the Committee on Judiciary.

HOUSE BILLS ON FIRST READING.

Engrossed House Bill No. 261. A bill authorizing the change of county boundaries, and declaring an emergency.

Was read a first time and referred to the Committee on County and Township Business.

Engrossed House Bill No. 237. A bill legalizing the record and acknowledgments of deeds and mortgages heretofore recorded in any county of this State when the official character of the officers taking the acknowledgments were not certified to as by law, and authorizing the record of such deeds and mortgages to be read in evidence, and making such record notice to third persons.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Engrossed House Bill No. 241. A bill in relation to evidence respecting lost or destroyed records and deeds purporting to have been made pursuant to judicial sale.

Was read a first time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Engrossed House Bill No. 240. A bill providing for the election of railroad directors of railroad companies incorporated and formed under the laws of this State so that three of the directors shall be citizens and residents of the State.

Was read a first time and referred to the Committee on Railroads.

Engrossed House Bill No. 247, a bill to amend section 2 of an act entitled "An act to amend sections 2 and 6 of an act entitled 'an act providing for a geological survey and for the collection and preservation of a geological and mineralogical cabinet of the natural history of this State and creating the office of State Geologist, defining his duties, fixing his salary and appropriating a sufficient amount of money to defray the necessary expenses of said survey, and for the collection and preservation of said cabinet,'" approved March 7, 1873.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 284, a bill to provide for the incorporation of any public or private cemetery already laid out and recorded, where any of the lots therein are occupied for the burial of the dead, and to provide for its maintenance, improvements and additions thereto, the collection of assessments thereon, and the election of officers for its government

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 269. A bill to legalize the official acts of the Board of Trustees of the town of Booneville, Warrick county, Indiana, and all other officers of said corporation under the act for the incorporation of towns, defining their powers, providing for the election of the officers thereof and declaring their duties,

approved June 11, 1852, and the by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 23. A bill making it the duty of County Commissioners of the various counties in the State of Indiana to procure for their respective counties, at the expense thereof, certified copies of the records effecting lands in said counties, from the offices of the General Land Office of the United States, of the Secretary of State for the State of Indiana, and of the Trustees of the Wabash and Erie Canal. Said certified copies to be placed in the Recorder's offices of the several counties, there to be kept in book form and consulted in the same manner as other records therein are kept.

Was read a first time and referred to the Committee on County and Township Business.

Engrossed House Bill No. 108. A bill limiting the powers of County Commissioners.

Was read a first time and referred to the Committee on County and Township Business.

Edgrossed House Joint Resolution No. 4, requesting and instructing Representatives and Senators in Congress to pass a law equalizing bounties.

Was read a first time and referred to the Committee on Military Affairs.

Engrossed House Bill No. 277. A bill to amend section 16 of an act entitled "An act concerning promissory notes and bills of exchange," approved May 12, 1852.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 212. A bill to amend section 34 of an act entitled "An act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Was read a first time and referred to the Committee on Agriculture.

Engrossed House Bill No. 170. A bill to amend sections 15 and 16 of an act entitled "An act regulating prosecutions in cases of bastardy," approved May 6, 1852.

Was read a first time and referred to the Committee on Judiciary.

Engrossed House Bill No. 265. A bill supplemental to an act entitled "An act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 14th, 1867, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 145. A bill providing for the reimbursement to the county of Adams of certain illegal taxes assessed and collected from Adams county.

Was read a first time and referred to the Committee on Finance.

Engrossed House Bill No. 340. A bill to amend section 14 of an act entitled "An act regulating foreign insurance companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith, and providing penalties for the violation of the provisions of this act, and declaring an emergency.

Was read a first time and referred to the Committee on Insurance.

Engrossed House Bill No. 214. A bill to amend section 50 of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.

Was read a first time and referred to the Committee on County and Township Business.

Engrossed House Bill No. 245. A bill to amend section 2 of an act entitled "An act authorizing county agricultural societies to hold real estate," approved February 20, 1867, and declaring an emergency.

Was read a first time and referred to the Committee on Corporations.

Engrossed House Bill No. 258. A bill to amend the second section of an act entitled "An act to amend the second section of an act entitled 'an act to amend the fifth and sixth sections of an act entitled an act to provide for the election of a reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter,'" approved February 28, 1855.

Also, to amend the seventh section of an act entitled "An act to provide for the election of a reporter, and the speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter," approved February 5, 1852. Which act was approved March 6, 1855.

Was read a first time and referred to the Committee on Judiciary.

By unanimous consent Mr. Howard introduced

Senate Bill No. 331. A bill to provide for a uniform assessment of property, and for the collection and return of taxes.

Was read a first time and referred to the Committee on County and Township Business.

On motion by Mr. LaRue the Senate took a recess until 2 o'clock p. m.

AFTERNOON SESSION.

Senate re-assembled, President in the chair.

BILLS ON SECOND READING.

Senate Bill No. 281. A bill to amend the law for the incorporation of manufacturing, mining companies, etc., approved March 11, 1861.

Was read a second time, the report of the Committee on Manufacturers concurred in and the bill ordered engrossed.

Mr. LaRue moved that when the Senate do adjourn it be until Monday at 2 p. m.

Which was agreed to.

Senate Bill No. 304. A bill to amend section 5 of an act entitled "An act regulating the adoption of heirs, approved March 2, 1855, and declaring an emergency.

Was read a second time and the report of the Committee on Benevolent Institutions concurred in.

Mr. Bell moved a suspension of the constitutional rule requiring bills to be read on three several days and that Senate Bill No. 304 be considered engrossed and read a third time now and put upon its passage.

The ayes and noes being taken under the rule,

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Peed, Rhodes, Sarnighausen, Scott, Smith, Thompson and Tobin—36.

No Senator voting in the negative.

So the constitutional rule was suspended and Senate Bill No. 304, a bill to amend section five of an act entitled "An act regulating the adoption of heirs," approved March 2, 1855, was considered engrossed and read a third time by sections.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth,

Hendricks, Hough, Howard, Humphries, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Peed, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Thompson and Wilson—37.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Leave of absence was granted Mr. Friedley of Lawrence until Tuesday. Also, to Messrs. Oliver and Slater until Monday.

By unanimous consent Engrossed Senate Bill No. 246, a bill to amend sections 36 and 58 of an act entitled "An act granting the citizens of the town of Evansville, in the county of Vanderburgh, a city charter," approved January 27, 1847, and adding a supplemental section thereto, abolishing the office of City Collector of said city and requiring the City Treasurer to perform the duties of City Collector, and construing the forty-first clause of the 13th section of the charter of said city with an emergency clause thereto, was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Daggy, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Henderson, Hendricks, Hough, Howard, Johnson of Floyd, Johnston of Parke, LaRue, Major, Neff, Peed, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Thompson, Tobin, and Wilson—37.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

By unanimous consent, Engrossed Senate Bill No. 150, an act to authorize and empower manual labor schools organized and incorporated under the laws of this State, to accept and execute indentures of apprenticeship, and to make such indentures transferable by such corporation, and prescribing the rights and duties of such transferee in case of such transfer, etc., was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bearss, Bell, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbertson, Daggy, Dykeman, Friedley of Scott, Givan, Gooding, Grove, Hackleman, Harney, Haworth, Hendricks, Hough, Howard, Humphries, Johnston of Floyd, Johnston of Parke, LaRue, Major, Neff, Peed, Rhodes, Sarnighausen, Scott, Sleeth, Smith, Thompson and Tobin—37.

No Senator voting in the negative.

So the bill passed.

The question being, shall the title as read stand as the title of the bill?

It was so ordered.

Ordered, that the Secretary inform the House of the passage of the bill.

Senate Bill No. 52. A bill to amend the 4th and 9th sections of an act entitled "An act for the incorporation and continuance of building, loan fund and savings association, approved March 5, 1857, to legalize certain contracts made by such associations, and declaring an emergency.

Was read a second time and ordered engrossed.

Engrossed House Bill No. 190. A bill to amend the fifth section of an act entitled "An act to prohibit the collection of tolls on gravel, turnpike, macadamized and plank roads in certain cases, and to provide the mode of declaring charters of such roads forfeited in certain cases, and repealing all laws inconsistent therewith," approved March 5, 1859, and declaring an emergency.

Was read a second time and the report of the Committee on Roads concurred in.

Was placed on the calendar.

Engrossed House Bill No. 230. A bill to ascertain the location of the boundary line between the States of Indiana and Kentucky, above and near Evansville, and making the same evidence in any dispute, and declaring an emergency.

Was read a second time.

Mr. Sleeth moved to amend by striking out the words "when the same are not in conflict with each other," and insert in lieu thereof the following, "as near as possible."

Which was not agreed to.

Was placed on the calendar.

Senate Bill No. 181. A bill to amend section 8 of an act entitled "An act to amend an act entitled 'an act to provide for a general system of common schools and the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed,' approved March 6, 1863, and adding supplemental section thereto," approved March 8, 1873.

Was read a second time, the report of the Committee on Roads concurred in and the bill ordered engrossed.

By consent, Mr. Hough withdrew the report of the Committee on Corporations on House Bill No. 140.

Senate Bill No. 75. A bill to establish city courts in cities not being county seats and having a population of over five thousand

inhabitants, defining their jurisdiction, and the mode of procedure therein.

Was read a second time, the report of the Committee on Organization of Courts concurred in and the bill ordered engrossed.

By unanimous consent, the concurrent resolution authorizing a joint committee to visit the Prison South for the purpose of investigation, was taken up.

Mr. Friedley of Scott, moved to amend by striking out all after the word "herein," and insert the following: That the chairman of the Prison Committee of each House appoint three persons who are members of his committee, to be of diverse politics to act as a sub-committee for the further investigation of the State Prison, South, and to have all the powers conferred upon the regular committees, the report of their investigation to be made to the regular committees for their consideration and action thereon.

Which was agreed to.

The resolution as amended was adopted.

Mr. Sleeth offered the following :

Resolved, That the Clerks of all the Senate committees, except the Clerk of the Committee on Finance and Claims be discharged.

This resolution to take effect from and after Tuesday next.

Which was adopted.

Senate Bill No. 184. A bill defining the misdemeanors of keeping houses of ill fame, the renting and leasing of property to be used as a house of ill fame, and prescribing penalties therefor, and providing certain rules of evidence in prosecution of such offences.

Was read a second time, the report to the Committee on Rights and Privileges of the Inhabitants of the State concurred in and the bill ordered engrossed.

On motion by Mr. Dykeman, the Senate adjourned until 2 o'clock p. m. on Monday next.

LEONIDAS SEXTON.

President of the Senate.

MONDAY AFTERNOON.

FEBRUARY 22, 1875—2 o'CLOCK.

Senate assembled.

The Senate was called to order by the Assistant Secretary, when, on motion by Mr. Daggy, Mr. Boone took the chair.

Journal of Saturday the 20th inst. read and approved.

By unanimous consent, Mr. Smith offered the following resolution :

Resolved, That the State Librarian be requested to cause the national colors to be unfurled on the dome of the State House in consideration of the natal day of Washington, the father of his country.

Which was adopted.

Mr. Daggy made the following report :

MR. PRESIDENT :

The Committee on Phraseology and Arrangement of Bills have considered Engrossed Senate Bill No. 15, an act to regulate the sale of intoxicating liquors, to provide against drunkenness, prescribing penalties, to repeal all laws contravening the provisions of this act, and declaring and emergency, and find the same correctly engrossed, but recommend that the phraseology in section 14, at end of line 4, the word "be" be inserted, and change the word "close," in line 5, and make it "closed," and strike out in said line the words "the same."

Which was concurred in.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Bell, a petition on the subject of the Wabash and Erie Canal, from citizens of Allen county.

Was read and referred to the Committee on Judiciary.

By Mr. Baxter, a petition from citizens of Wayne county on the subject of fees and salaries.

Was read and referred to the Committee on Fees and Salaries.

By Mr. Slater, a memorial from Directors of State Prison, South.

Was read and referred to the Committee on Finance.

By Mr. Harney, the claim of William C. Jeffries vs. William Baxter, in the contested election case, \$740.40.

Was read and referred to the Committee on Claims.

Mr. Hough made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Engrossed House Bill No. 52, entitled "An act to amend section 1 of an act entitled 'an act to amend sections 15 and 16 of an act entitled 'an act for the incorporation of towns, etc., approved June 11, 1852, and providing for the election of town marshal, etc., approved March 10, 1873, and to repeal section 3 of said act, and declaring an emergency,'" have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that it be amended as follows, to-wit:

Amend section 2 by striking out all after the number thereof, and inserting in lieu thereof the following, to-wit: Such trustees may at any time for good cause shown in such manner and upon such notice as they shall by ordinance provide, remove such marshal from his office and appoint a marshal to fill the vacancy.

S. J.—45

Amend by striking out section 3, and when so amended they recommend the passage of the bill.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred Engrossed House Bill No. 88, entitled "A bill to amend an act entitled 'an act for the incorporation of towns, defining their powers, etc.," have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that the same do lie on the table.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Engrossed House Bill No. 89, entitled "A bill to authorize the organization of boards of trade and other commercial organizations, defining their powers, prescribing their duties, etc.," have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it be amended as follows, to-wit :

1. Amend section 1 by inserting after the word "person," in line 4, the words "not less than ten." Also, by inserting after the word "acknowledged," in line 6, the words "by them," Also, by striking out all between the word "deed," in line 9, and the word "specifying," in line 11. Also, by inserting after the word "specifying," in line 11, the word "therein." Also, by striking out all between the word "the," in line 16, and the word "to," in line 18, and inserting in lieu thereof "the following names and number of the officers to be elected." Also, by inserting after the word "association," in line 20, the following : "And the manner of their election."

2. Amend section 3 by inserting after the word "thereof," in

line 11, the following: "As against the subscribers of such articles of incorporation."

3. Amend section 6 by inserting after the word "shall," in line 2, the following words: "In the manner specified in its articles of incorporation." Also, by inserting after the word "be," in line 10, the words "kept correct." Also, by inserting after the word "of," in line 11, the word "all." Also, by inserting after the word "expenditures," in line 12, the words "of such corporation, and semi-annually a balance sheet containing a full, true and complete account of all such receipts and expenditures, shall be made out and signed by the President, attested by the Clerk or Secretary and recorded in a book to be kept for that purpose, and such book and all other books in which the account of such corporation may be kept, shall be, during business hours, open to the examination and inspection of the members thereof." Also, by inserting after the word "send," in line 13, the word "and." Also, by inserting after the word "send," in line 16, the following: "And verified by the affidavit of such President or Clerk thereto annexed."

4. Amend section 8 by striking out the word "under," in line 9 and inserting in lieu thereof the word "in."

5. Amend section 9 by adding the word "company" to the last line thereof.

And when so amended that the bill do pass.

Was placed on the calendar.

Mr. Hough made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House Bill No. 140, entitled "An act legalizing certain official acts of the Common Council of the city of Kokomo, and the officers of said city, and declaring an emergency," have had the same under consideration, and have directed me to report the bill back to the Senate with the recommendation that the same be amended as follows:

Amend the preamble by inserting therein the words "and

whereas," the following words, " many of the acts of the town officers in organizing as a city are omitted from the records, and are improperly recorded."

And amend by inserting in the first section after the enacting clause the words, " that the organization of the said city of Kokomo, be and the same is hereby legalized, and the said municipal corporation is declared to be a legally incorporated city under the laws of the State of Indiana, and."

Amend by striking out of the 1st section the word "such," and also the words " made invalid by such clerical errors and omissions aforesaid," and by inserting therein the words " of said city."

And when so amended that the bill do pass.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Engrossed House Bill No. 183, entitled "An act authorizing incorporated cities to reform and change their boundary lines so as to exclude therefrom suburban lots or tracts of land," etc., have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that the same be amended by striking out the 4th section thereof, and when so amended that the bill do pass.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 9, entitled "A bill to authorize the organization of boards of trade and other commercial associations," have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that it be laid on the table for the reason that the same subject matter thereof is included in

Engrossed House Bill No. 89, the passage of which with certain amendments has been recommended by said committee.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate Bill No. 250, entitled "An act providing for the incorporation of state, district, county, subordinate and other Granges of the Order of the Patrons of Husbandry, defining their powers and duties in certain cases, and declaring an emergency," have had the same under consideration and have directed me to report the bill back to the Senate with the recommendation that it be amended by inserting therein between two and three, the following sections to-wit :

Sec. 3. Any number of the individual members, not less than five, of any of said associations of the Patrons of Husbandry, may by articles of association carry on the business of farming, buying and selling farm implements, products, ordinary mercantile articles, may carry on the business of manufacturing, and any mechanical or chemical or mining business when articles of associations shall state the kind of business to be carried on, the amount of the capital stock, the place where such business is to be carried on, the name of the persons to manage the business the first year, and the persons signing such articles, their associates and successors, the said articles of associations to be recorded in the office of the Recorder of the county where such persons propose to carry on such business, and when such articles are recorded the persons who have signed the same, and their successors and associates signing such articles shall be a body corporate and politic, and by the corporate name they may assume may sue and be sued, plead and be impleaded, and may take, hold and carry real estate necessary to carry on the business named in such article.

Sec. 4. The persons so associated, as in the foregoing section mentioned, may increase or reduce the capital stock from time to time or when necessities may demand, and may divide their capital stock into shares of not more than fifty dollars each, and may make such by-laws, rules and regulations for carrying on the business, the

sale, transfer and disposition of their stock, and may effect as may seem best, not inconsistent with the law of this State, may adopt regulations for the government of the persons managing such business, and providing for their selection at stated periods of not more than one year and for their removal, compensation and accountability; *Provided*, That the stockholders of such corporations, whether the original signers of such articles of association or the person signing the same subsequently, or the person or persons to whom any share of stock may be transferred or held under the regulations of such corporations, shall be liable individually and jointly to creditors of such corporations to an amount equal to the stock held by them respectively and no more.

Sec. 5. Any trading, manufacturing, mining, or other corporations organized under the provisions of the two preceding sections shall annually within twenty days after the annual or stated elections of directors make out and cause to be verified by its directors or some one of them, a statement showing the amount of capital stock the amount paid in on the same, the amount of debt due by such corporations, and shall cause such statements to be posted up in a conspicuous place of business for twenty days, and on failure to make, verify and post up such statements, such stockholders shall be individually liable, jointly and severally, for all debts of such corporation contracted from the date of such failure until the same shall be so done.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 291, entitled "An act authorizing incorporated cities in this State to construct, enlarge and maintain harbors, and for that purpose to assess against and collect the cost thereof from adjoining land owners," etc., have had the same under consideration and have directed me to report the same back to the Senate with the recommendation that it be laid on the table.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 297 entitled "An act to amend section 30 of an act entitled 'an act granting the citizens of the town of Evansville, in the county of Vanderburgh, a city charter, etc.,'" have had the same under consideration and have directed me to report the bill back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Hough made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate Bill No. 309, entitled "An act to amend section 48 of an act entitled 'an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and duties etc.,'" approved March 14, 1867, have had the bill under consideration and have directed me to report the same back to the Senate with the recommendation that it do pass.

Was placed on the calendar.

Mr. Hendricks made the following report :

MR. PRESIDENT :

Your Committee on Claims, to whom was referred Senate Bill No. 119, entitled "An act for the relief of the heirs of John W. Wright, have given the same careful consideration and have directed me to report the same back to the Senate with the recommendation that it lie on the table and the claim therein set up be not allowed for the following reasons :

On the 20th day of January, 1856, one Erastus M. Birch entered the north half of the southeast quarter of section 33, township 34, north of range 4, west, containing eighty acres, in Laporte county, and on the 13th day of January, 1857, obtained the State letters patent therefor, as is fully shown by Swamp Land Record, vol. 33, pages 412-113.

It seems from the records of the case, that the same Erastus M. Birch, on December 2, 1859, obtained from the Treasurer of Laporte county certificates of entry Nos. 478 and 479, for the same tract of land for which it will be observed he already held letters patent. Those certificates he assigned to John W. Wright, and upon the 15th day of December, 1860, obtained the State's letters patent.

The claim set up in this bill is for the repayment to the heirs of Wright of the amount of money expended by him in the purchase of the land. But Wright did not pay the State for it. Any money he may have expended in its purchase was paid to Birch, and his failure to obtain any title to the land was through the fraud of Birch. Your committees unanimously conclude that no just claim exists against the State in this case, on the part of Wright's heirs, for the State never received any consideration from Wright for the land, but that any claim they may justly possess lies against Birch, who did receive such consideration.

Was placed on the calendar.

Mr. Hendricks made the following report :

MR. PRESIDENT :

Your Committee on Claims, to whom was referred Senate Bill No. 247, entitled "A bill to provide for the repayment of certain soldier's bounties erroneously paid into the State treasury fund of estates without heirs, and converted into school funds," have had such bill under consideration, and have directed me to report the same back to the Senate recommending the following amendments :

1st. Amend by inserting after the words "13th Regiment," in line 5, page 2, the words "30th Regiment and 3d Battery."

2d. Amend by striking out the amount thereof—\$4,800.

3d. Amend by inserting after the word "soldiers," in line 15, page 3, the following, to-wit: "William B. Lyons, George W. Brewett, Mortimer H. Bennett, William H. Williams, Joseph D. Evans, Andrew J. Reynolds, William Monroe, Thomas J. Teakey, Thomas Taylor, Richard Sloane, Theodore Nelson and Jacob Elshire."

Also amend by striking out the word "assigns," in line 15, page 3.

And when so amended your Committee recommend the passage of the bill.

Was placed on the calendar.

Mr. Harney made the following report :

MR. PRESIDENT :

Your Committee on Claims have examined and allowed the following claims, and recommend that they be referred to the Finance Committee for incorporation into the Specific Appropriation Bill, to-wit :

Claim of Franklin Life Insurance Company, for rent of committee rooms for Senate committees—\$165.00; claim of Speigel, Thoms & Co., for furniture for Senate committee rooms—\$132.05; claim of Indianapolis Journal Company, for 32 sets of G. & H. Statutes for Senate committees—\$480.00; claim of Alex. Coquillard, for refunding money paid for swamp lands—\$50.00; claim of Leonidas Sexton, for per diem and mileage in assisting the Attorney General under Joint Resolution No. 16, General Assembly of 1872-3—\$192.00.

Which was concurred in.

The report, by unanimous consent, was then referred to the Committee on Finance.

Mr. Boone, from the Joint Committee on Titles, made the following report :

MR. PRESIDENT :

The Joint Committee on Titles, to whom was referred Senate Bill No. 103, a bill to enable administrators appointed by the authority of other States to sell land in this State to pay debts, and declaring an emergency, have had the same under consideration and instructed me to amend the same by striking out the title and insert in lieu thereof the following: An act to amend the 95th, 96th

and 97th sections of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof and the heirs thereto and certain forms to be used in such settlement," approved June 17, 1852, and recommend the adoption of the same as the title of the bill.

Which was concurred in.

Mr. Henderson made the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Engrossed House Bill No. 222, a bill to amend an act amendatory to an act to amend section 2 of an act entitled "An act to provide for the protection of wild game, and defining the time in which the same may be taken or killed, and prescribing the penalty for violation of the same," approved March 11, 1867, and also providing for the protection of certain birds therein named, and their eggs, and affixing a penalty, which became a law without executive approval on the 15th day of March, 1873, and declaring an emergency, have had the same under consideration, and have instructed me to return the same recommending the following amendment: Add to the last line of the title the following words: "And repealing section 1 of said act," after which amendment the committee recommend its passage.

Was placed on the calendar.

Mr. LaRue offered the following resolution :

Resolved, That the Committee on Finance be instructed to inquire into the expediency of allowing to Dr. Walker per diem for three days and mileage for 150 miles, in contesting the election of John M. LaRue, a Senator from the county of Tippecanoe.

Was read and referred to the Committee on Claims.

SENATE BILLS ON FIRST READING.

Mr. Grove introduced

Senate Bill No. 332, an act for the relief of Joshua D. McQueen, Howard Lee, T. M. Slaughton and others.

Was read a first time and referred with a memorial on the same subject from citizens of Bartholomew county, to the Committee on Judiciary.

Mr. Major introduced

Senate Bill No. 333. A bill releasing any interest which may be supposed to exist in the State of Indiana to the bed of Beaver Lake, in Newton county, and to settle conflicting claims thereto.

Was read a first time and referred to the Committee on Judiciary.

Mr. Peed introduced

Senate Bill No. 334. A bill to amend section 159 of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective duties, and matters properly connected therewith, and providing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Was read a first time and referred to the Committee on Education.

Mr. Slater introduced

Senate Bill No. 335. A bill to amend section 269 of an act entitled "An act to provide for a uniform assessment of property, and for the collection and return of taxes thereon," approved December 21, 1872."

Was read a first time, and referred to the Committee on Finance.

Mr. Gooding moved to suspend the order of business and take up Senate bills on second reading.

Which was agreed to.

SENATE BILLS ON SECOND READING.

Senate Bill No. 249. A bill to prohibit any city or town containing less than 10,000 inhabitants, by the common council, or board of county commissioners of any county, from annexing any contiguous territory to said city or town without the consent of owners, etc.

Was read a second time, the report of Committee on Corporations concurred in and the bill laid on the table.

Senate Bill No. 223. A bill to repeal sections 1 and 3 of an act providing for the organization of county boards, etc.

Was read a second time, the report of the Committee on County and Township Business was concurred in.

Mr. Smith offered the following amendment :

Amend by inserting "from the district where the vacancy occurs."

Which was agreed to and the bill ordered engrossed.

Senate Bill No. 233. A bill to authorize the correction of mistakes in deeds of conveyance and the records thereof.

Was read a second time.

The report of the Committee on Judiciary concurred in and the bill laid on the table.

Senate Bill No. 282. A bill to limit the power of township trustees in incurring debts and requiring him to designate certain days for the transaction of business.

Was read a second time, the report of the Committee on County and Township Business concurred and the bill ordered engrossed.

Senate Bill No. 236. A bill to expedite the business of the Supreme Court by encouraging the filing of printed briefs therein.

Was read a second time, the report of the Committee on Judiciary concurred in and the bill laid on the table.

Senate Bill No. 212. A bill authorizing criminal judges in this State to issue writs of *habeas corpus*, etc.

Was read a second time, the report of the Committee on Judiciary concurred in, and bill ordered engrossed.

Senate Bill No. 293. A bill to enable the incorporated cities of the State of Indiana to adopt and enforce by-laws for the purpose of securing the removal of garbage, etc.

Was read a second time.

The question being on concurring in the report of the Committee on Rights and Privileges of the Inhabitants of the State,

Mr. Dykeman offered the following amendment :

Amend section 1 by striking out the word "from" the corporate limits and substitute instead thereof the word "outside" the corporate limits.

Which was agreed to.

The report as amended was then concurred in.

Mr. Johnston of Parke, offered the following amendment to the bill :

Amend by inserting after the word "cities" in line 19, the following : "And incorporated towns."

Which was agreed to.

The bill as amended was then ordered engrossed.

Senate Bill No. 188. A bill to authorize the hanging of gates across public highways, etc.

Was read a second time, the report of the Committee on Roads concurred in and the bill laid on the table.

By unanimous consent of the Senate Mr. Peed, was allowed to withdraw Senate Bill No. 274, and the report of the Committee on Judiciary.

Senate Bill No. 255. A bill to establish Supreme Courts, defining their jurisdiction, etc.

Was read a second time, the report of the Committee on Organization of Courts concurred in and the bill ordered engrossed.

Senate Bill No. 286. A bill concerning domestic animals running at large, etc.

Was read a second time, the report of the Committee on Agriculture concurred in and the bill ordered engrossed.

Senate Bill No. 296. A bill to legalize the election held in the years 1873 and 1874, in the town of Knightstown, Henry county, Indiana, and to legalize the official acts of the Board of Trustees of said town for said years, and to legalize the assessment and levying of taxes of said corporation under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 10, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Was read a second time, the report of the Committee on Corporations concurred in and the bill ordered engrossed.

Mr. Bell made the following report :

MR. PRESIDENT:

The Committee on Phraseology and Arrangement of Bills have had under consideration Engrossed Senate Bill No. 281. A bill amendatory of an act incorporating manufacturing and mining companies for mechanical, chemical and building purposes, approved

May 20, 1852, and the same is herewith returned with the recommendation that the following portions of the bill as engrossed be stricken out, as such part consists wholly of the section of the old law sought to be amended by this bill, viz., Beginning with the last word on the fourth page, and all thereafter up to and including the word "steele," in the third line of the seventh page.

Which was concurred in.

Senate Bill No. 69. A bill compelling railroad corporations to fence their tracks, and providing penalties for the violation thereof.

Was read a second time.

The question being on concurring in the report of the Committee on County and Township Business,

Mr. LaRue moved that the bill and report be made a part of the special order for next Thursday night.

Which was agreed to.

Senate Bill No. 38. A bill to provide for a uniform assessment of property, etc.

Was read a second time, the report of the Committee on Finance concurred in and the bill laid on the table.

Senate Bill No. 307. A bill to divide the State into circuits for judicial purposes, fixing the time of holding courts, etc.

Was read a second time, the report of the Committee on Organization of Courts concurred in and the bill ordered engrossed.

Senate Bill No. 287. A bill to amend sections 1 and 4 of an act entitled "An act supplementary and amendatory of an act entitled 'an act to provide for a uniform assessment of property and for the collection and return of taxes thereon,'" approved December 21, 1872, approved March 8, 1873, and declaring an emergency.

Was read a second time, the report of the Committee on Finance concurred in and the bill ordered engrossed.

Senate Bill No. 292. A bill to amend the law for the incorporation of cities.

Was read a second time, the report of the Committee on Corporations concurred in and the bill ordered engrossed.

Senate Bill No. 190. A bill vesting the inchoate interest of married women in the lands of their husbands when the title of the husband therein has been divested by certain judicial sales, providing for the provisions thereof, and the descent of such vested estate and matters connected with such sale, etc.

Was read a second time.

The question being on concurring in the report of the Committee on Judiciary,

Messrs. Dykeman and Bunyan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Beardsley, Bell, Boone, Bowman, Cardwell, Gooding, Hackleman, Haworth, Johnston of Parke, LaRue, Major, Maxwell, Neff, Oliver, Peed, Roe, Sarnighausen, Scott, Smith, Thompson and Tobin—25.

Those who voted in the negative were,

Messrs. Bearss, Bunyan, Chapman, Cree, Culbertson, Daggy, Dykeman, Givan, Grove, Harney, Henderson, Humphries, and Wilson—14.

So the report was concurred in and the bill ordered engrossed.

Senate Bill No. 179. A bill regulating the number of grand jurors and the manner of their selection and defining their jurisdiction.

Was read a second time, the report of the Committee on Judiciary concurred in, and the bill ordered engrossed.

Senate Bill No. 116. A bill to establish a State Board of Health, to provide for the appointment of a Superintendent of vital statistics, and to assign certain duty to local Boards of Health.

Was read a second time.

The question being on concurring in the report of the Committee on Rights and Privileges of the Inhabitants of the State,

Mr. Smith moved that the bill and report do lie on the table.

Which was not agreed to.

The report of the committee was then concurred in.

Mr. Thompson moved to amend the bill by inserting the words "two thousand dollars" in lieu of the words "four thousand dollars."

Which was agreed to.

Mr. Johnston of Parke moved that the bill be ordered engrossed.

Messrs. Dykeman and Sarnighausen demanded the ayes and noes.

Those voting in the affirmative were,

Messrs. Baxter, Bell, Daggy, Gooding, Grove, Hackleman, Harney, Henderson, Johnston of Parke, Neff, Oliver, Roe, Sarnighausen, Scott, Sleeth, Thompson and Tobin—17.

Those who voted in the negative were,

Messrs. Beardsley, Bearss, Boone, Bunyan, Cardwell, Chapman, Cree, Culbertsen, Dykeman, Givan, Haworth, Hough, Humphries, LaRue, Major, Maxwell, Peed, Skinner, Slater, Smith and Wilson—21.

So the bill was not ordered engrossed.

Senate Bill No. 277. A bill fixing the salary of the Governor and Attorney General, the per diem of members of the General Assembly, and providing stationery and repealing former laws.

Was read a second time.

The question being on concurring in the report of the Committee on Fees and Salaries,

It was concurred in.

Mr. LaRue moved that the bill and report do lie on the table.

Which was agreed to.

Senate Bill No. 101. A bill empowering the Auditor of State to correct errors heretofore made by that officer in selling and conveying lands forfeited to the sinking fund by making proper deeds therefor, declaring the effect of such deeds and for other purposes.

Was read a second time, the report of the Committee on Judiciary concurred in, and the bill ordered engrossed.

Mr. Neff moved to reconsider the vote whereby Senate Bill No. 277 was laid on the table.

Mr. LaRue moved that the motion lie on the table.

Messrs. Bunyan and Neff demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bell, Grove, Harney, Henderson, Johnston of Parke, LaRue, Roe, Sarnighausen, Sleeth and Smith—10.

Those who voted in the negative were,

Messrs. Baxter, Beardsley, Bearss, Boone, Bowman, Bunyan, Cardwell, Chapman, Culbertson, Dykeman, Givan, Gooding, Hackleman, Haworth, Hough, Humphries, Major, Maxwell, Neff, Peed, Scott, Slater, Thompson, Tobin and Wilson—26.

So the motion was not agreed to.

Mr. Chapman moved that the Senate do now adjourn.

Which was not agreed to.

The question recurring on the motion of Mr. Neff to reconsider,

Messrs. Neff and Hough demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Beardsley, Boone, Bowman, Bunyan, Cardwell, Chapman, Cree, Culbetson, Daggy, Dykeman, Givan, Gooding, Hackleman, Haworth, Hough, Humphries, Johnston of Parke, Major, Maxwell, Neff, Oliver, Peed, Roe, Scott, Skinner, Slater, Tobin and Wilson—30.

Those who voted in the negative were,

Messrs. Bell, Grove, Harney, Henderson, LaRue, Sarnighansen, Sleeth and Smith—8.

So the motion was agreed to.

Mr. LaRue offered the following amendment to the bill :

WHEREAS, The pay of the members of the General Assembly is largely in excess of the value of the services rendered, therefore, an emergency exists for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage.

Mr. Dykeman moved to amend so as to make the pay as fixed by the bill apply to the General Assembly from the first day thereof to the adjournment.

Mr. Johnston of Parke moved to recommit the bill and report to the Committee on Fees and Salaries.

Mr. Gooding moved to make the bill and Senate Bill No. 318, (the fee and salary bill), a special order for Thursday next at 2 o'clock p. m.

Mr. Sarnighausen moved that the Senate do now adjourn.

Which was not agreed to.

The question being on the motion of Mr. Gooding,
Mr. Smith moved that the motion of Mr. Gooding do lie on the table.

Messrs. Smith and Grove demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baxter, Bearss, Bunyan, Cardwell, Dykeman, Grove, Harney, Major, Maxwell, Smith and Wilson—11.

Those who voted in the negative were,

Messrs. Bell, Boone, Bowman, Chapman, Cree, Daggy, Davidson, Givan, Gooding, Hackleman, Haworth, Henderson, Hendricks, Hough, Humphries, Johnston of Parke, LaRue, Neff, Oliver, Peed, Roe, Sarnighausen, Scott, Skinner, Slater, Sleeth, Thompson and Tobiu—27.

So the motion was not agreed to.

The question recurring on the motion of Mr. Gooding to make the bills a special order.

It was agreed to.

On motion of Mr. Harney, the Senate adjourned until 9 o'clock to-morrow morning.

LEONIDAS SEXTON,

President of the Senate.



